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Just: Sueton his Booke.

ARCHÆOLOGJÆ
ATTICÆ
LIBRI TRES.

THREE BOOKES OF THE
ATTICK Antiquities.

CONTAINING

The description of the Citties glory, govern-
ment, division of the People, and Townes with-
in the *Athenian* Territories, their Religi-
on, Superstition, Sacrifices, account of
their Yeare, as also a full relation
of their Iudicatories.

By FRANCIS ROUS Scholler of *Merton*
Colledge in *Oxon*.

ARISTIDES.

Περὶ ἀληθείας τὰς ἀκοὰς, ἐπαρχόμεθα, μᾶλλον ἔχοντες ἔργον ὅ,τι συ-
λαξόμεθα ἢ ὅτῳ χηρσόμεθα, εὐρεῖν. When others have in
the same Argument preoccupied mens cares, they that
speak afterward of the same subject, have a greater trou-
ble to consider what they must passe by unfaid then what
to say.

OXFORD,

Printed by LEONARD LICHFIELD, for
EDWARD FORREST.
M. DC. XXXVII.



TO THE
RIGHT VVORSHIPFULL
S^r NATHANIEL BRENT Knight,
Vicar Generall, and the most vigilant
Warden of Merton College
in OXFORD, *Health,*
&c.

IT is the custome of most, to im-
pose a patronage of their errours
upon some eminent person. But
it shall bee my ambition in this
my Dedication to manifest my observancie.
Others make their choice of potent men,
thereby to shun the darts of envy. It shall bee
my glory to be thought worthy of invidency;
whose ignorance is not so great but well
* 2 knowes

THE EPISTLE

knowes that ever some will bite in secret; & scourge these errours of my youth with private reproaches. But such malignant tongues I will counterpoise with the winde; and set as lightly by as they are vaine. And although I am confidently perswaded that the covert of your wings bee sufficiently able to shelter my faults; yet had I rather to expresse my dutie towards you in these naked infirmities, whose goodnesse truely knowes how * to pardon the bold adventures of learning. I present you therefore with ATHENS, whose deplorable raggednesse my papers well resemble: which may challenge this excuse, that they as simulate themselves to the Treatise in them contained. Which of all men, I my selfe am conscious most unfitly to haue handled. That Citie once the * nurse of reason; * which flourisht in eloquence, & braue atchieuements more then all Greece, could not, unlesse in her miserable ruines, haue without her disgrace beene spoken of by me. That ATHENS whence the learned Fathers of the Church suckt rare literature, Basil his

eloquence

* Autis literarum ignoscere Vegetius in Prolog.

* Cic. Epist. * Patercul. in fine Lib. 1.

DEDICATORY.

eloquence, Nazianzen his strength, & others their flowing Oratory. That ATHENS which who had not seene is by * *Lyfippus* accounted a block. Accept, *Honoured Sir*, these Reliques of that famous Vniuersitie, though by me offered, as Devotion paid to Antiquitie, by you well esteemed of, though among most of these our daies accounted durt; whose labour it is to seek new fashions, and like nought but what may be accounted novelty. Resembling the brute, of which *Cicero. Ad id solum quod adest, quodq; praesens est se accommodat, paulum admodum sentiens praeteritum, &c.* never caring for what is past. But you weigh well the excellency of talking with those Champions of Learning, hundreds of yeares since gathered to their former dust. By whose pensils wee see drawne the liuely images of deceased Monarchs, the formes of government, and very lines of states. Out of which patternes, if you please to deeme the least part of this to haue beene taken, it shall heap to my ioy that the following Tract will not seeme a spurious and degenerate.

* 3

* Apud Diogenem
Εἰ μὴ περὶ αὐτὰς Ἀ-
θηνῶν, σὺ λῶ-
χ' ὦ.

THE EPISTLE

generate offspring. Vpon presumption of which I feare not, as the Eagles doe their young, to expose my brood to the rayes of the open Sunne. Thus with continuall wishes for addition to your happinesse, I take leaue, From my Study in Merton College Iun. 9. 1637.

Your VVorships in all humility

to be commanded

F. R o v s.



To the Reader.

IT is not a thirst of empty glory that makes me runne hazard of your censure, but a consideration of the weaknesse of School-masters, who undertake to read the Greek Orators to raw Schollers, themselves being not ripe in the Attick customes. I have therefore so far endeavoured as you see. If any thing may afford a scruple to any, he shall engage me that will require satisfaction. If any thing seem amisse, it shall be taken by me as a favour to hear of it from any. For I am not of those whose eares are stopt, when their errors are told them. If thus please it shall adde spurres to the finishing of this course intended; and as occasion may give leave, you shall have the rest that may be spoken.

Yours

F. R.

Errata & inferenda.

Page 5. line 5. read *mysteris*. p.6. in Argum. read *Circum-*
ius. p.11. in Marg. for or r. not. p.13. in Marg. k.l.m. p.
 16.l.24. r. abject. p.18. in Marg. r. in *Solone*. p.22.l.12. put
 the parenthesis after *Curialis* l.23. r. *περὶ ἑκόντας*. p.23.l.26. r.
ἡ τὴν ἡ τὴν. p.28. r. cap.7. l.17. r. *δημ.* p.29. l.18. r. *περὶ ἑκόντας*.
 p.32. l.1. after *ῥυμοι* put the parenthesis. p.34. in marg. r. in the
hist. p.39. l.24. r. from. p.40. l.25. r. *ἀσφαλτοῦ*. l.32. *πξιν*. p.41.
 l.2. r. imminent. in marg. r. Frag. p.46 l.34. r. *Polycleti*. p.47.
 l.15. r. *πείρου*. p.45. l.14. r. crier. l.20. r. *Muneris*. l.29. read
 thus *מסמ* the Hebrew which avails as much as to offer, and
Missathan offering *Deu.16. מִסַּח מִסַּח מִסַּח* *missath niddhath* a
 free offering, taken it seemes of prayer and praile. *Weichelius*
Est autem missa vocula Hebraica, quod nos Latine oblationem
aut munus vocamus, quod sponte propriis manibus deferretur atq;
expeditur in veros pietatis usus. p.8. in Arg. r. *Satyrica fabula*.
 p.9. l.2. after *ῥυμοι*, which were noted by letters. Other
 faults your candid judgements may amend.



ARCHAEOLOGIAE ATTICAE

LIB. I. CAP. I.

Iavan, Ias, Iaones, Ionia, Ἀλίκη. Ἀττική. Ἀθή. Athena in attā,
Cecropia, Cranae, Attis, Attica, Athena sub Cecrope.
Certamen Palladis & Neptuni, Plutarchi ea de re sententia,
alii sub Erethio volunt nominari, Iustinus sub Amphitryo-
ne. Salenos. Selines. Satina. Sethina.

BY the sonnes of Noah * were the Iles of ^{a Gen. 10. 7.}
 the Gentiles divided in their lands, every one
 after his tongue; when by their audacious fol-
 ly they would haue mounted vp to heaven,
 thinking to leane a name to posterity, by build-
 ing Castles in the ayre. From which attempt
 proceeded that which before they were jealous of, namely
 a scattering abroad vpon the face of the earth; hee hauing so
 spoken it, whose breath alone affords a faire winde: hoyst
 then they must their Sailes, and bidding adieu to the plaine in
 the land of *Shenar*, seeke out some new habitation. Travel-
 lers they were of yore, and yet still must iourney. Each one in
 as different a course, as of a diuers language. The sonnes of
Shem their way, the sonnes of *Japhet*, theirs. *Gomer* and *Ma-*
gog, and *Madai* and *Iavan*, with whom I purpose one furlong
 A
 to

to keepe companie, leaving the rest on one side or other or behinde, looking only to my proposed scope. ^b And ^γ Ιαννυ Ιωνία καὶ πάντες Ἰλλυριοὶ καὶ Χέρωνες. From Iavan came Ionia and all the Greekes. And in Scripture we haue Iavan put for Greece; in Daniel twice, ^c And when I am gone forth, loe the Prince of Grecia shall come. And againe, ^d Hee shall stirre up all against the Realme of Grecia. Where although the old translation renders it not Iavan, yet it is so found in the originall. Hee then comming into the country called afterwards Attica, left vnto it his owne name, whence it was tearmed Ionia and Ias. ^e ἡ δὲ Ἀττικὴ τὸ παλαιὸν Ἰωνία καὶ Ἰὰς ἐκαλεῖτο. For Attica was anciently called Ionia and Ias. In which words wee still retaine some reliques of the radix, notwithstanding the small difference of the termination. But if wee please to view after what title the sonnes of Iavan were stiled Iaoones wee shall come neerer home. Strabo in the aboue quoted place, ^f ὁ γὰρ ποιητὴς δὲ τῶν Ἑλλήνων ἐν δαίμονι καὶ Ἰάονες καὶ Ἀθωναῖοι λέγει. Homer when he saies, There the Boeotians and Iaoones speakes of the Athenians. The Scholiast of Eschylus on these words, ^g Ἰάων γὰρ οἱ καὶ πῆσαι δέονται. Ἰάων δὲ τῶν Ἰάονες οἱ Ἀθωνῶν λέγοντες ἐν τῷ Ἰάον βασιλευσὶ καλεῖται. It is to be understood, quoth hee, that the Athenians are tearmed Iaoones, from one Iaoon (hee meanes Iavan) that was their king. Neither is it strange that the van or γ Ιαννυ is left out; for though it be not written, yet perswaded I am that it was as much pronounced, as other an Diphthongs were. For the s antique Latines and the Greekes spake it as broad a, as if it had been thesarus not thesauros. ^h Walter Raleigh is of opinion that Asia the lesse had people before Greece had any, and that Iavan did not fly from Babylonia into Greece, but took Asia the lesse in his passage, and from thence past over the neere way, leaving his owne name to some maritime province on that side as he did to that part so called. In which, although the authority of so worthy and iudicious a man might move much, yet it shall be sufficient for me, onely to goe so farre, as antiquitie will

^b Joseph. Ant. i. l. 1. c. 7. p. 13.

^c Dan 10. 20
^d Cap. 11. 2.

^e Strabo l. 9. p. 392.

^f In Persis p. 133.

^g Donat. in Ter. p. 130.

will beare me out. ^a Thucydides reports that it is manifest, ^b Lib. 1. p. 2. that all Greece was not βεβαίως διαμειμένη, firmly inhabited, but that there were continuall pilgrimages, or remouings of the inhabitants, forsaking their former places, being driuen out by a stronger and greater number. Wherefore when there was no safe traffique or commerce by sea or land, each manured his grounds for to haue provent, alone to serue for present necessity, desiring no more then from hand to mouth; it being vncertaine, how soone they might be compelled to get them thence. Whereupon they did more willingly change their seats; not taking grieuous that sharp charge, veteres migrate coloni. Be gone you ancient Boores. But the more fertill soyle had hard bickrings. Thessalie, Boeotia, and a great part of Peloponnesus, except Arcadia, was often invaded, and the old Lords expelled. ^c τῶ γὰρ Ἀττικῇ ἐν τῷ ἀπὸ πολλῶν διὰ τὸ ἀκαταστάτου αἰσίου, ἀνδραμι φυν ἐν αὐτοῖς αἰετ. But Attica, by reason of the thinnesse or barrennesse of the ground, was alwayes inhabited by the same men (none it seemes being willing to leaue his better, for a worse) not affording fuell to contention. Out of which peace sprung vp so great a multitude, that Attica, even now swarming, and ἐχὼν ἱκανῆς ὄχλου, not able to containe and feed so many, is constrained to send forth Colonies into Ionia, a region of Asia the lesse, which is reported by the Greekes to borrow denomination from Ion the sonne of Xuthus, or, as the Poets say, Apollo and Creusa, who in the words of Euripides is thought to be ^d κτιστὴρ Ἀσίδας καὶ χερσὶς, the maker or founder ^e In Ione. T. 2. of Asia. The mother Ionia (for so I please to say) kept not ^f p. 619. still her former name, For in proceesse of time shee owned ^g Lib. 9. p. 397. Aetia; from Aetion, as ^h Strabo sayes, or from Aetens, according to ⁱ Pausanias, who was the first king thereof, by ^j Tzetzes on Lycophron called Aetens. But ^k Dion Chrysostom ^l Orat. 6. brings a more naturall reason then this, why it was Aetia, ^m Aetia signifies a shore, both in the Greeke and ⁿ Latine speech. ^o Now because all of it within a little was washed with the ^p sea, and ^q ἀλιπερὶς, it might challenge vnto it selfe Aetia. ^r Dion ^s p. 391.

himselfe even to the same purpose names it *Sethina*.

*Vndiq; sic misera nobis spectantur Athene
Dadala quas Pallas sese coluisse negaret,
Quas, Neptune pater, nunquam tua maniadicas
Indigena Sethina vocant ---*

Wee wretched *Athens* round doe view, which now,
Though once ingenious *Pallas* love, 's her shame,
And t' have beene thine, *Neptune*, would 'st disavow,
To which the Homebred give *Sethina* name.

CAP. II.

*Athenarum situs. Ἀθ. πόλις. Ἀκρόπολις. Herbalucentes, Mu-
rus, Pelasgicus & Cimonius, Propylæa. Circuisus veteris
urbis, & novæ. ἡ ἀνὰ & ἡ πόλις. Piræibrachia. Murus
Phalericus. Porta. Acr. Lani passim apud scriptores. Ce-
phissus Fluvius.*

⁶ In Panath.
p. 171. 172.

Greece, saies^b *Aristides*, is placed in the midst of the whole earth, and in the mid't of it stands *Attica*; the navell whereof is *Athens*, by which all *Greece*, closeted in the wombe of time, receaved nourishment, before an happy birth had brought her forth into the light. Shee is seated upon a very high rocke, which habitations doe encompassse, as^c *Strabo*: on the top of which stands that renowned fabricke even to this day, which *Cecrops* from himselfe names^{*} *Cecropia*; of old ἄνθ The City, by a kind of excellence, in a bravado of their antiquity, concerning which they were in perpetuall contention with the *Argivi*. Witnes^d *Pausanias*.^e *Terent*, *An in astu venit?* Donat. *Sic Athenienses urbem suam vocabant, unde ipsi incole ἄνθ vocantur.* So, saith he, the *Athenians* called their City, whence the Citizens themselves are called *astoi*, after that they called it ἄνθ. *Pausanias*. Which in his time was called Ἀκρόπολις or the high City, although it be often interpreted *Arx* a castle, which

⁶ Lib. 9. p. 396

^{*} Plin. Nat.
Hist. l. 7. c. 56.

^d In Att. p. 13
l. 16.

^e Eunuch. act.
5. sc. 6.

^f Attic. p. 24.
l. 43.

which ever were sacred to *Minerva*, as⁸ *Aristides*. Who^g therefore is by *Catullus* in his *Argonauticks* named *Diva* *re-*
sinens in summis arboribus arces. The Goddesse that keeps the
Turrets of Cities. This only now remaines, the succour and
shelter of the barbarous *Athenians*, being strongly furnished
with men and armes, in which alone dwell Ianizaries, to the
number of seaven hundred thousand, as *Christophoro Angelo*
told me, and avouched it, I fearing least hee had mistaken the
number. As for the forces thereof^a *Hugo Favolius* shall thus⁴
instruct you,

*Arx tantum celebris hoc tempore montis eodem
Quaq; imposta ingo est, vastas prospectat in undas
Æquoris, & circum dispersa mapalia, & omnes
Externo indigenas nocuo tutatur ab hoste,
Nobilis arx, toto qua non est altera Graio
Nota magis regno, validisq; instructior armis,
Ignivomoq; magis tormentorum impete tuta.*

A Castle only famous at this day,
Set on an hill, below which viewes the sea.
The scattered thatcht sheds, that stand it about,
The fort defends, and keeps invasion out,
And natives safe. A fort; none noted more
In Greece, which hath a better warlike store,
Or it for fiery Canons goes before.

Vpon the toppe of this Turret stand the fashions of Halfe
Moones most rarely gilded, after the manner of the *Ishma-*
lites, who haue the Moone in no small honour, as my much ho-
noured Mr^b *Selden* hath obserued. Of which Lunulets thus^b
speakes *Favolius*,

*Cuius inauratis longerutilantia Lunis
Ardna cœli vagas feriunt fastigia nubes.*

Whose tops with gilded Moones aspiring high,
Doe knock the Clouds the pilgrims of the skie.
Neither may it passe obscurely which I haue taken up being
let fall from the mouth of an eye witness; namely that on the
side

⁴ Ho. l. 1. p.
Byz. l. 3.

^b De Diis Sy-
ris Syn. 2. cap.
2. p. 288.

side of this hill, on which the *Acropolis* is built, grows a certaine kinde of herbe, that farre off, in the night season, giues a most shining and glittering light, to which when a man shall approach, he shall discerne nothing but the herbe it selfe. Of which matter I seriously wish that I could testify the truth. It was delivered to me, *bona fide*, with good credit. The walls that environ this, are none now, saies *Favolius*, but in former time it hath beene well fenced; some part thereof erected by those two *Tuscan* brothers, who leaving their country, lived here vnder the *Acropolis*, called *Πελαργοί*, *Pelargi*, *Storkes*, *διὰ τὸ πλῶ πλάττω*, for their wandring, ^a *Strabo*, ^b *Plinie* sayes their names were *Euryalus* and *Hyperbius*. The two that first built houses of brick at *Athens*, when formerly they had *Caves* for dwelling places. But by the authority of *Pausanias*, though the Printers and Scribes haue done both that Author, and the persons wrong, in putting a false name vpon one of them, I will doe them none. Read then *Laterarias domus constituerunt primi Agrolus & Hyperbius fratres Athenis*, &c. ^c *Pausanias*. *εσσι δ' Αχέλωυ καὶ Ὑπέρβιον*. From these was that part which they edified called *Pelargicum*. *Aristophanes* in *Auibus*.

τίς δ' αὐτὸν ἐξοίτῃς πόλεως τὸ Πιλαργικόν;

The other part of the *Acropolis* which was left naked, *Cimon* the sonne of *Miltiades* clothed. *Pausanias* in the fore quoted place. These walls admitted no gate but one, so rarely beautified with that costly *Propyleum* or porch, on which *Pericles* is discommended by ^d *Demetrius Phalareus* for disbursing so great a summe of money. ^e For which hee was not finally troubled how hee might giue vp his accounts to the people; His Nephew *Alcibiades* therefore seeing him somewhat sad, and demanding the cause, to whom when his vnkle replied, that it was about giving his accounts, seeke rather, quoth he, how you may not giue them. By which counsell the *Athenians* were entangled with that neighbour warre against the *Lacedæmonians*, in which they found not vacancy for an audit.

By

^a Lib. 9. p. 297.
^b Nat. hist. l. 7. c. 6.

^c In Attic. p. 36. l. 34.

^d Tul. O. M. 2.
^e Val. Max. lib. 3. c. 1.

By the way it shall be fit to acquaint you with thus much, that it was not permitted to a dog to enter into the *Acropolis*, as ^f *Plutarch*, *διὰ τὸ ἀπολάσσειν καὶ δυνάσσειν* it may be, for his heat in venerie and ill savour. Goats likewise, saies ^g *Varro*, came not thither, unlesse for a necessary sacrifice once, least they should hurt the *Olive* which is said first to haue sprung up there. The circuit of this *Acropolis* is said to bee threescore stadia. Now a *Stadium* is about some ^{*} six hundred and twentie five feet, eight of which make a mile, it being the custome of the ancient Greekes, so to measure the length or distance of grounds, or Cities, by the *στάδια*. The first City then is contained in seaven miles and an halfe. But to this were added more houses able to make a City of themselves. And so indeed were they distinguished by *ἡ ἄνω & ἡ κάτω πόλις*, The upper and the lower City. ^h *Plutarch*, *καὶ κάτω καὶ ὡς εἰς θαλάσσης περιέχοντες, πλὴν ἄνω πλὴν διαφυλάττειν*. Note here moreover, in the reading of your Greeke Authors, that when you meet with *τὸ ἄνω* in the description of a country, you presently must conceaue the higher part, if it be *τὸ κάτω*, ⁱ *Thucydides*. *Ἐφ' ἑαυτὸν τε καὶ ἀλλήλους τε καὶ ἄλλων ὅσοι ὄντες ἐν θαλάσσοις κάτω ἦσαν* And they prayed upon each other, and among the rest who were not addicted to the sea, yet lived below, understand neare the sea, *Schol.* *κάτω. ἢ τοὶ ἐγγὺς τῇ θαλάσσῃ*. The *τὸ ἄνω* then & *τὸ κάτω* knit together made but one ioynt corporation; both, as it were uniting *Piræum* unto themselves, tooke up, as ^b *Diogenes*. ^b *Orat.* 6. *on Chrysostom* writes, two hundred stadia, which is about five and twentie miles. Vpon which place, *Morellus* produces a *Scholiast* testifying that the wals were *μικρὸν ἢ ὅσα στάδια ἔν, fifteen miles saue one furlong*. Where I wonder that the learned man had not estfoone perceived the number to haue beene corrupt, and written *καὶ* for *ἢ*, twentie five for fifteen. For so it ought to be. Neither is it strange that it had so large bounds. For consider that from *Piræum* to *Athens* were reckoned five miles, as you may see in ^c *Plinie*, From *Athens* to *Phalerum*, and so to the other side of *Piræum* foure miles ^c 85.

^f *Εμμελις*.
^g *De re Rust.*
^h *Plutarch*.
ⁱ *Thucydides*.

^{*} Five feet make a pace, and a thousand paces a mile. *Idior.*
Orig. lib. 15. c. 16.

^b In *Phoc.* p. 549. l. 47.

^c Lib. 1. p. 6. a

^b *Orat.* 6.

^c *Nat. hist.* l. 2. c. 85.

B

and

and a quarter. The utmost wall of which *Thucydides* speaks in his second book consisted of five miles a quarter and halfe. The girdle of *Piræum* and *Munychia* had seven miles and an halfe more. All which being put together make up but twentie two miles one quarter and one furlong. But *Dion Chrysostom* must be here understood; and it behoves us to conceive that he spake not barely of the naked walls, for then it cannot hold; but I suppose some houses to have beene without ^d *περὶ* ^{τῶν} *ἑλίων*, as he saies, *τῶν δὲ οἰκῶν ἢ πάλαι καὶ ταῦτα ἐκείνην*. In which I appeale to more judicious heads. Neither can I silently passe by the opinion of *John Meursius*, who reading in *Pausanias* these words *Ἀθιναίων μὲν δὲ σάδης μάλιστα ἔκαστον ἀφῆκεν τῆς πύλης ὃ περὶ ἀλλήλων δάλασσα*, should presently obtrude to us, that *Pausanias* teaches, that the ^f wall called *Phalericus* is but twentie *stadia* or two mile and an halfe. When indeed he meant nothing lesse. For speaking of salt springs, which he calls *θαλάσσης κύματα*, he seemes to involve a reason drawne from the neerenesse of the sea. For when he writes of this brackish well, *Among the Athenians, the sea which comes up neere Phalerus is distant from the City but twentie stadia at the most*, quoth he. Where *Amaseus* hath thus strangely doct. *Athena à Phalero absunt stadia hand amplius xx.* And that this was the meaning of the Author, proves that which followes. He might have likewise considered that *περὶ* with a Dative case signifies not onely *juxta* and *prope* as I have translated it; but *supra* sometimes, which will now serve better. And *Meursius* indeed blames the number; but sees not into the words. Now it is not needlesse that the two walls, which joynes *Piræum* and *Athens* at so long a distance, be somewhat spoken of, seeing they are reckoned by ^a *Livie* among the *multa visenda*, Many things worthy of sight at *Athens*. These are the *μακρὰ τείχη*, in ^b *Propertius*, — *Thesea brachia longa via*. ^c *Appian* of *Alexandria*, *μακρὰ ὁμόλην*, and ^d *Plutarch* in *Cimone*. One lying towards the North, of which ^e *Plutarch*. The other towards the South,

iii

in height about forty Cubits, as ^f *Appian* testifies. These are called *ἀὰ μίον τείχη* by ^g *Dion Chrysostom*, because *Athens* being at one end, and *Piræum* at the other, these were drawn forth betweene. And when writers speake of *Νότον δὰ μίον τείχη*, it may be conjectured that it is for distinction of that *Νότον τείχη* in the *Acropolis* which *Cimon* built, ^h witness *Pausanias*. *Aristophanes* seemes to bring authoritie for an opinion that *Themistocles* built these. In *Equisibus*.

Τὸν Πιερίαν προσέμαζεν.

Which his ^k Scholiast affirms. *Τὸν δὲ Πιερίαν Θημιστοκλῆς προσέβαλε τὰ πόλει.* For *Themistocles* added *Piræum* to the City. We read in ^l *Probus* that he was the only agent in walling the City, and that he so hastned the accomplishing, that they were faine to be as it were sacrilegious, and make use of materials formerly consecrated to the edifying of Temples, and Monuments of the dead. But ^m *Plutarch* gaine-saies this, and that he did onely *πῶς πάλιν ἐξάγειν τὸ σπέρμα, καὶ πῶς πάλιν τῆς θαλάσσης*, conjoyne the City and *Piræum*, and put the land to take acquaintance with the sea. It seemes somewhat forward before. How ever, so fennie was the ground it was founded upon, that the worke soone came to great reparation, which ⁿ *Cimon* the sonne of *Miltiades* undertooke. For with stones of an huge weight and lime he made the earth so firme that it could not giue. Nay he was so liberall, that he did out of his owne expences so great favours, to a people that some yeares after gratified him with exile. Neither did he only mend the breaches; but in after time ^o finished the whole worke, so that he may truly be said to be the founder of them. Let us now come to the Gates of the City. ^p *Meursius* hath observed tenne, but I feare they will scarce suffice to such a vast City. Take then these. *Dipylon* or *Thriasia*, the fairest of all, *velut in ore urbis posita*, placed as it were in the front of the City, sayes *Livie* maior aliquanto patentiorq; quam cetera est, greater somewhat and wider then the rest. Hence I suppose ^q named *Dipylon* as if it were as big as two gates. *Περίαισι*. *Pi-*

B 2

raice

ruica Neere the Temple of *Chalcodon*. Here were buried some of those that died in fight with the *Amazons* in the time of *Theseus*. ^a *Plutarch*. *ἱππιδεύς*. *Hippades*. where the bones of *Hyperides* the famous Orator rest with his progenitours, who being racked under *Antipater*, chose rather to bite off his tongue, then to divulge the secrets of his country. ^a *ἱεργί*. *Sacra*. the sacred gate. We read of this in ^b *Theophrastus's* *Charracters* but to my great admiration, that the Eagle-sighted *Cassion* had not espied a fault. For though it be true that there were such gates at *Athens* as *ἱεργί*, yet is there any that ever read *ἡρώδης πύλας ἐξενόησαι νεκρῶς*, the dead to have been carried out to buriall through the Sacred gate? It makes not any thing that it was spoken to a stupid fellow, for they spake not as our vulgar does, such as, *When Christmas comes out of Wales*. write then *Ἡέλας*. *Hela* are the gates at which they went forth with their corps at the solemnizations of their obsequies, the reason of which shall be spoken hereafter. ^c *Demosthenes*, *Ἀργίως πύλαι*. The gate of *Argos*. It seemes to have beene in *Delphinium* where he dwelt; whence the *Hermes* or Image towards the East end of the Temple was called ^d *Ἐρμῆς ἐπ' Ἀργίως πύλαις*. The statue at the gates of *Argos*. *Μελίτιδες*. *Melitides*. Where lyes *Thucydides* the sonne of *Olorus* that wrote the *Peloponnesian war*, who after his returne into his country from banishment, was treacherously murdered, his Sepulcher stands neere these gates. ^e *Pausani-*
^e *as*. *Κεραμικῇ*. *Ceramica*. These are called by *Xenophon* *αἰὲν πύ-*
^f *Κεραμικῇ πύλαι*. The gates in *Ceramicus*, where many of the *Lacedæmonians* were buried, which died in the seditious war that *Thrasybulus* made against the *Thirty Tyrants*. ^f *Xeno-*
^g *phon*. *Διοχάρους πύλαι*. The gates of *Diochares*. Of whom I have nought to speake. *Ἀχαρναὶ πύλαι*. The *Acharnan gates*. I suppose they were called so from that Towne or Village neere, named *Acharnia*, to which it is probable it looked. For so did the ancients name their Gates from the Towne to which they were neere. The *Romans* their *porta Collatina* from

from *Collatia*, a Burge not farre off. And happily it is so here, as also in *Διομαί*. *Diomaa*; for *Diomus* is a people of *Athens* not any great matter distant from the City. *Θρακία*. *Thracia*. These are all that ever I met with named: others there are obscurely pointed at by ^g *Pausanias*, as that neere the Gallery which from its various draughts they call *Pacile*, where is the effigies of *Mercurie Agoræus* in brasse. And others about the beginning of his *Attica*, of which I had better hold my peace then speake as good as nothing. Thus have wee found twelve gates; which being opened enter; sucke that sweet aire, whose excellent purity brought forth such acute wits, ^a and prepared with a most happy bounty understanding iudgements for contemplation. Whence ^b *Euripides* may well straine to this note, that *Venus* sitting neere, and adorning her selfe, sends forth continually *Cupids of learning*, ^c *Παιτοῖς ἑρῶνς ξυνοχῶς*. Well may he blesse that eline stiling it, ^c *λαμπρότατον αἰθέρα*, which hath beene the Mother of the *Muses* (by the leaue of *Mnemosyne*) or at least the Nurse to them, for there are they said to have travelled with *Harmodia*; as if there were no such melodious concent, as in the Sciences. Let not ^d *Theophrastus* asser all *Greece* to lye under the same temperature and disposition of the heavens, when at this day it may be spoken, as once *Aristides* did of it. ^e No coast so truely void of all earthly dregs, and participating more of the celestiall and defecated aire. Not unworthily hath *Sophocles* beene lavish in expressions. ^f *Famous*, ^g *The most renowned*, ^h *Happy*, ⁱ *Sacred Athens*. *Pindarus*. ^k *Wonderfull*. ^l *Much spoken of*. ^m *Neat*, &c. To the making up of her delight comes to all the river *Cephissus*, which is able to beare vesseis of a good burthen, as I have beene informed, but the *Turks* fearing least it might be advantagious to an enemy that might invade them, have cut it into many and sundry little streames, damming vp with an innumerable quantity of stones the mouth of the river for a mile in length. Thinking they have sufficiently prevented, which they did but suppose could happen.

CAP. III.

Ἀττικοί. Ἀθῶν οἱ, *Mores, & Ingenia. τὸ μὲν ἑσθλόν. Quantum*
hodierni differant à veteribus; & qualem vitæ rationem mo-
dumq; habent.

1 ἐν βίῳ ἑλ-
 λῶσι.
 p. 169.

m Varro apud
 Aug. de Civ.
 Deil. 18. c. 9.

a A. 17.

b In Plutop.
 35.

THE Athenians by¹ *Dicaearchus* are divided into two
 sorts, Ἀττικῶν, *Atticos*, and Ἀθῶναιος. Of which though
 there were no difference in latter times, yet certainly of old
 there was. Inſomuch as one of the punishments, which the
Athenians are ſaid to inflict upon their women (for the ap-
 peaſing of *Neptune*, bringing in an inundation upon their
 fields to their great damage, in anger conceived for loſſe of
 the Title of the City) was this, That none ſhould after call
 them Ἀθῶναιος, *Athenians*, but Ἀττικῶν, *Atticos*. A revenge I
 ſuppoſe opprobrious enough. For thus writes my Author. Οἱ
 μὲν, πεῖρροι τῶν λαῶν, ὑπελαοὶ, συκοφαντοῖς, ὁδοιποροῖς
 βίωσι. *Curious bablers, Deceitfull, Calumniators, Observers of*
the lines of ſtrangers. Πείρροι τῶν λαῶν. A ſufficient wit-
 neſſe of this is^a *St Luke*, that ſaies, they did regard nothing
 more then to heare and ſpeake noveltie. To which end they
 often met in Barbers ſhops, where all the newes, that was go-
 ing in thoſe daies, was currant. Hence ſay we, *verba in con-*
ſtrinis procuſcata: and in Greek ὅτι τοῖς κυρέοις λόγῳ, ^b *Aristo-*
phanes,

καὶ τοὶ λόγῳ γ' ὡς, ἢ τῷ Ηοχλῶν, πολὺς
 ἐπὶ τοῖς κυρέοις καὶ ἀνδράσι
 ὡς ἐξαπίνης αὐτῶν γὰρ ἡ πόλις.

They that ſate in the Barbers ſhops did talke much that hee
 was ſuddenly growne rich. The Scholiaſt ſeemes to take the
 meaning as if the Comedian had quipped them for reſorting
 to Barbers, and neglecting Barber-Chirurgions of better cre-
 dit. But I ſee no reaſon. They met in both to prattle.^c *Ælian*
 καὶ ἐν αὐτοῖς ἐν ἰατροῖς, φασὶν, καὶ κατὰ ἀγορεύειν ἐν πωτῶν
 δι.

Var. lib.
 35.

δι' αὐτῶν. Sitting in a Chirurgions ſhop, ſcandalous, and thir-
 ſtie to ſpeake ill by all meanes. ὑπελαοὶ. men Italianated, who
 can ſmile, even when they cut your throat. Such as *Theophra-*
ſtus hath in his Characters drawne out, who can be affable to
 their enemies, and diſguiſe their hatred in commendation,
 while they privily lay their ſnares; that ſalute with mortall
 embracements; and claſp you in thoſe armes, which they
 meane to embrew in your deareſt blood. In ſumme, faire
 without, but rotten within, like a wound which is healed a-
 boue and ſeemes ſound, but putrifies under the ſkin. And ſo
 much the word doth import. Συκοφαντοῖς. Given to falſe ac-
 cuſations. The^c Scholiaſt of *Ariſtophanes* writes, that it be-
 ing forbidden to carry figges out of *Athens*, and ſome never-
 theſſe the decree being abſolute againſt it, preſuming ſo to
 doe, they ſet rogues in the gates that did appeach them, (as
^e *Plutarch* likewiſe) Hence came this word to bee uſed for
 any crafty knave that gets his living by promooti-
 ing, & ^f *Solone* *παραπαισῶν*. One that meddles in every mans affayres, and
 therefore^g *Ariſtophanes* hath fitly brought one upon the
 ſcene terming himſelfe an *Overſeer* both of private and pub-
 like matters. If then ſuch a perſon had etried any tripping,
 and gotten him on the hip, hee would as ſure haue fetched
 him over for his coyne, as any *Summoner* doth a perſon delin-
 quent towards the fleſh, or any Lawyer a credulous client, and
 having well plumed him, afterwards giue him a diſmiſſorie.
Εκείνοι (Sycophantia) ὡς γὰρ παρ' αὐτῶν χρήματα λαμβάνουσιν, ζῶντες
Xenophon. Such were many in *Athens*, inſomuch that *Aristotle*
 being asked what *Athens* was, answered, *παῖδάη*, *All beauti-*
full, ἀλλ' ὅλην ἐπ' ὅλην ἡγεσθαι σκόνδ' ἐπὶ σὺν, in a verſe of ^a *Ho-*
² *mer* in the deſcription of *Alcinous* his garden, but peares grew
 ripe after peares, and figges after figges, meaning a continuall
 ſucceſſion of *Sycophants*. This made *Socrates* the Oratour to
 compare the City to a *Curtizan*, with whom few there were
 but would haue to doe, yet none dare take to wiſe; affirmi-
 ing it to be the beſt place to ſoiourne in, but the worſt to inhabit:
 By

d Cap. 1.
 εἰς αὐτῶν.

e In Plut. p. 1.

f In Solone
 p. 65.

g Xenophon.
 ἐν ἑλλῶν. c.

p. 27. l. 20.
 b Pluto. p. 90.
 c. p. 91. b.

i' ἐν ἑλλῶν. β.

p. 27. l. 19.

a O. 2. 1. 19.

By reason of their Sycophants and trecheries of nimble tongued Oratours. Παρορηται ἢ ξενικῶν βίων. I was once halfe in an opinion that these words were to haue beene put to the former thus, συκοφαντῶντες παρορηται ἢ ξενικῶν βίων, And I thinke the sense will runne well, *Malitious observers of the lines of strangers.* The Athenians were φιλόξενοι and held hospitalitie sacred, and I doubt not but they had that Law, *That*

^b Απμνημ. C. p. 28. forrainers should receaue no wrong, *ἵνα μὴ ἀδικῶν.* ^b Socrates

in Xenophon. Now he discommends the Ἀττικοὶ as ready to trouble and vex strangers in law, duly marking and bearing an eye vnto them to take them at an advantage: As for the Athenienses they were μεγαλόθυμοι, ἀπὸι τοῖς ἔτεσι, φίλιας γυνήσοι φίλας, *Brave spirited, single dealing, and faithfull friends.*

But as the words were at length contounded, so did their manners degenerate, growing into ἀνωμαλία τῆς φύσεως, an Irregularitie of nature, as ^c Polybius. No μεγαλόθυμοι afterwards, but haughtinesse of spirit, magnanimity now fallen. And when

^d Lib. 6.

^d Dec. 4. p. 7. l. i.

^d Livy sayes *ex vetere fortuna nihil prator animos servare*, he meanes they had nothing left but those proud spirits, which their ancient flourishing fortune had puffed up. No ἀπὸι, or simplicity, no ^e lambe like innocency, or mildenesse; but as ^f Plutarch speaks, *people rashly angry, soone pittifull, rather inclined sharply to take opinion, then quietly to be enforced.* And

^e Aristoph. p. 674.

^f Πλάτ. παρ. 387.

as they are ready to helpe base and abiekt peasants, so friendly do they entertaine childish and ridiculous toys, reioycing in their owne praises, & nothing moved with scurrility, Fearfull and terrible even to their governors, humane towards their enemies. Not unfirly then ^g Valerius Maximus, *Quantam ergo reprehensionem merentur*, &c. How deserue they to bee blamed, who though they had iust lawes, yet had most wicked disposition, and chose rather to take their owne courses, then put in practise their statutes? As for their impudence, so great was it, that to expresse a countenance void of shame, the Comæ-

^h Pag. 189. g. a Lib. 2. p. 47. dian hath put Ἀττικὸν ἑλέσθαι, *An Athenian looke*, in ^h Nubi-

culis,

culis, that what was done in sincerity and faithfull trust, the Romans would say, it was performed *fide Attica* with an Athenian loyalty. Feare and power might make them trusty, but how they brake their leagues, took part with other *Flanders* against confederates, and violated the lawes of armes, Historians are not dumb. As for their wrath it was ἀέμυτος, ever mindfull, as ^b Virgil, *memor ira*. And the hatred they pro- ^b Æneid. 1. sequuted the Barbarians withall was so unquenchable, that it burned against ^c all Barbarians for the Persians sake; & they ^c Isocrat. in forbade them their sacrifices as they used to doe murderers a- ^c Pan. p. 109. mong them. Where you must note that all that were not *Gracians* were called of them *Barbarians*. But loe! How are they now become all Barbarous! whether or no people of *Africa* or some of the *Catelan* I cannot iustly tell. *Mahumendans* all, poore and miserable, living by rapine, or fishing, or tilling the earth, ^d Favolius *Duraq, coacti*

^d Hodæp. Byz. l. 3.

Pauperie assuerunt vitam tolerare rapina.

Aut passim infestant furto, raptoq, propinqua

Equora pirata, sed qua pars equior, hamis

Fallit inescatos tereti sub arundine pisces.

Aut desolatas exercet vomere terras,

Semper inops, misera, infelix, rerum omnium egenæ.

Opprest with need they doe their life sustaine

By rapine, and annoy the neighbour maine

With pillaging. Who are more iust and good

With angling doe the silly fish delude;

Or plough the grounds made desolate before,

Unhappy, wretched, mis'able, still poore.

C

CAP.

CAP. IV.

De populi divisione, *Eupatridæ, Γεωμόροι, Δημιουργοί, Πεντακομοί-
διστοι, Ἰππῆες, Ζεῖται, Θῆται.* Quid Atheniensibus cum *Æ-
gyptiis commune.*

T Here were at first but two kinds of people in Athens, *two orders quibus inter gradus dignitatis fortunaq, ali-
quid interlucebat*, in which there was difference of dignity & fortune: such as at this day are in France either Peeres or Pea-
nants, or as in Venice Patricians and Plebeians. And although *Pollux* calls them *τρία ἴδη*, three sorts, yet I make but two, be-
cause the *γεωμόροι* were not any way more gentile for blood, surpassing for riches, or happy for life. But because he hath so
set them, take them thus, as he speaks. *τρία ἴδη ἴσθαι πάλαι.*
Εὐπατρίδαι, Γεωμόροι, Δημιουργοί. Εὐπατρίδαι, Eupatridæ, were such
as were descended from the loynes of those *Heroes* famous in
the Greek history, whose families were ever renowned, and
posterity propagated to many generations; such as *Praxiergi-
dæ, Eteobontidæ, Alcmonidæ, Cynidæ, Ceryces, &c.* whom we
may tearme Nobles, or men of good birth. *Γεωμόροι, Geomori*,
may not seeme unlike our Yeomen, who had lands of their
owne and sustained themselves with the fruit and commodi-
ty of these their possessions. *Δημιουργοί, Demurgi*, were men of
some handi-craft, Tradesmen, such as Tentmakers, Shoema-
kers Carpenters, Malons, and the like. But *Solon* made ano-
ther division. For when the *Diacrii*, which were those that
lived in the upper part of the Citie, *οἱ ἐξ ἄνω*, saies *Diogenes
Laertius*; and the *Pediei* which likewise are *μεσῆς*, such as li-
ved in the middle of the Citie, or the plaine. And the *Paralii*
who lived neere the sea, were at contention about govern-
ment. The *Diacrii* leaning to a Democratic, as *Plutarch*
writes, the *Pediei* to an Oligarchie, and the *Paralii* between
both, and had chosen *Solon* to arbitrate and determine the
matter

e so doth Di-
onysius Hali-
carnaticus di-
vide them in
to *εὐπατρίδαις*
& *ἀγροίκους*
lib. 2. m. 2

a Pollux l. 8.
c. 2. p. 40. 1.

In Solone,

c Pag. 61. in
Solone.

matter; he made these foure rankes. *Πεντακομοίδιστοι, Ἰππῆες, Ζεῖται, Θῆται, Pentacosimedimnos, Equites, Zeugitas, Thetas.*
Pentacosimedimni were those who *ἐν ξηραῖς ὅμῳ καὶ ὕδατι*, d Nut. p. 65.
could make five hundred measures in wet, and drie commo-
dities alike. What *Posseus* then brings out of *Varro* con-
cerning *modium*, hath no place here, for he supposes that *Pen-
tacosimedimnus* was he that had as much ground as fifty *Me-
dimni* could suffice to sow, but here I will confute him with
a wet finger. *ἐν ὕδατι*. For he seemes to sow upon the waters.
This is he whom the *Elzevirii* printed at Leyden Anno 1635
under the name of *Postellus* who was sometime a Professor of
Tongues in France, and author of the Treatise *de Magistrati-
bus Atheniensium*. *Equites* were such as were of abilitie to
keep an horse, or had the quantitie of three hundred measures
in dry, & as many in wet: called likewise *ἰππῆδες τελευτῆς Ζευ-
γίται*, were such as could of wet and dry in all make but three
hundred. Any of these three could beare office in the Com-
monwealth. A fourth ranck which he called *Θῆται, Thetas*, a e Plutarch, lo-
name from servilitie, which had no power in the rule of the co prædicto.
weale publique. But it had not beene amisse if I had shewne
how the *Ægyptians* had divided their people into three clas-
ses as the *Athenians* did, as I have spoken above. For the first
degree or *Eupatridæ* addicted to learning and studie, who
were had in greater honour, answer to the *Ægyptian* Priests.
f Nay those great houses in Athens had Priesthood by successi- f Plut. Thes.
on, as *Eumolpidæ, Ceryces, Cynidæ*. For out of the stocke were p. 8. l. 18.
chosen Priests hence *ἱερωσύνην ἐκ γένους* in *Demosthenes*. The g Pag. 741.
Geomori who had lands assigned to them for the maintenance num, 164.
of the warre, are not dislike them in *Ægypt* who hold posses-
sions on these tearmes, namely to provide souldiers when
need shall require to fight. The *Demurgi* resemble those
Plebeians who skilfull in some art, did set out their labour to
daily hire: as *Diodorus Siculus* can testifie.

CAP. V.

Tribus quatuor sub Cecrope mictata earum nomina. Augentur à Cliftbene: dua addita. Φρατρία. Φεάτορες. Τετλίς. Γένος. Tribulum Κοινονία Φυλεπικά Δείπνα, Φρατρίκα.

IN Athens there were but foure Tribes under the rule of Cecrops. Cecropis, Autoethon, Αττα, Paralia; which had other names put to them, Cranais, Attis, Mesogaa, Diacris. I suppose from the parts of Attica, it lying partly neere the sea, thence Αττα, partly hilly, thence Diacris, partly Mediterranean, thence Mesogaa, the other name from the King that was then; whether the King would honour the Tribe so much, or the Tribe glory in the name of the King, I knowe not. It is probable that it was an honour to their governour, for as Cecrops gaue the first names, Cranais the second, each assuming a title to himselfe, Eriethonius called them after the name of Iupiter, Pallas, Neptune, Vulcan. Διός. Αθωνάις. Ποσειδωνίς. Ηφαίστιος But when Ion came to rule they were named after his foure sonnes, Geleontes, Agicoreis, Argades, Hopletes, as ^a Herodotus and ^b Euripides. though Plutarch sayes that they were so called ^c ἐπὶ τῷ χρόνῳ, οἷς ἀδιάρητους οἱ βίαι τε παῖδες, from the courses of life which they first tooke. But Cliftbenes a man factious and wealthy is said by the Councell of Apollo, Alcmaon being Archon to make tenne of them, changing the ancient titles, and taking new from some Demigods or Heroes borne in that land all, except Αἶας, whom though a stranger, he put to the rest as a neighbour and companion. ^e Herodotus. These then were called Επώνυμοι; as you would say giving names; the word so signifies sometimes, as Minerva is said by Dion Chrysostom Επώνυμος Αθηνῶν, who gaue the name to Athens. To these were erected Satues nere the Councell place of the Senate. Their names are these as

^f Pausanias hath them. Hippothoon, Antiochus, Αἶας Telamonius

^a in Terphic.
p. 137.
^b In Ione veteris lineæ.
^c In Solon. p. 65.
^d Antides 1.
p. 356. A. 1.
3. p. 352.

^e In Terphic.
p. 137.

nus, Leo, Erectheus that slew Immaradus the sonne of Eumolpus in the Eleusinian war, Agæus, Oeneus, Acamas, Cecrops, Pandion. From these Ἰπποδοῦπις, Ἀντοχῆς, Αἰαντῆς, Λεοντῆς, Οὐνίς, Ἀγυαυλῆς, Κεκροπῆς, Πανδωνίς. To which they put two more, one called after Antigonius, the other after Demetrius his name, in gratuitie to them for the favours receaved; which in proceesse of time they changed into Attalis, and Ptolemaus, as Stephanus writes, διὰ τῶν ἐπώνυμων ἐκέρχθη τῶν βασιλέων, having beene curteously entreated by the * Kings bearing that name. * These are Which being so, let us take heed that Livie deccane us not, ^{referred a-} who at the time, when Attalus did succour the Athenians ^{mong the Ep-} against Philip, sayes they first thought of adding that Tribe to ^{nymes in Paus.} the tenne, in thanksgiving that the Rhodii rescued foure ^{p. 5. who had} ships of the Athenians taken by the Macedonians, and ^{Statues like-} sent them home, ^{a Decad. 4. l. 1} ^{p. 6.} Tum primum mentio illata de tribu quam Attalida appellarent, ad decem veteres tribus addenda. Thus

haue we seene that there were twelue Tribes in all. Let us look back to the first institution. I suppose they were first ordained for the better administration of civill government. ^b Eustathius writes that they were divided in imitation of ^b In II. b. pag. the yeare, The foure Tribes according to the foure quarters; ^{181.} each Tribe into three Fraternities, which they call τριτίς or φρατρία, answerable to the twelue Moneths, each φρατρία or τριτίς into thirtie ^{χρόν} or kindreds equalising the daies. For so many only had the yeare of old. Witnesse the Riddle of ^c Cleobulus concerning the yeare,

^c I. Aertius, p. 63. l. 1.

Εἰς πατὴρ, πᾶσις ὃ δώδεκα * ἢ ὃ ἐκάτω
Πᾶσι τεύκοντα, διὰ δὲ χα εἶδος ἔχοντα.

One Father had twelue Sonnes, and each sonne thirty daughters, and every daughter black and white, meaning daies and nights. Over these were governours φυλοβασιλεῖς, Kings of the Tribes, who late upon controversies betweene party and party of their owne Tribes. Each Tertian also had his overseer called, Τετάρχος the Ruler of the Tritys or Phratia. The word may seeme to signifie a Societic, fellowship, or

Company. It skills not whether you deriue it from *παρσία*, as *Eustath.* or *παρσία*, as *Suidas*, or *παρσία*, as others, which is a Well, because they drew water from the same well. For the place being scanty of Springs where *Athens* was founded, there being but one well-spring in *Athens*, they were constrained to use *παρσία* *παντοῦ*, digged wells, as *Plutarch.* *παρσία* are the men of that societie, called by *Tully*, *Curiales*, of the same Ward, speaking of *Cimon*, who gaue command that his servants should afford what they had if any *Lacides* should come into his Farme. In description of which thing *Plutarch* uses *δουῖς*, which then wee are not to interpret *Curiales*. For this is as much as *συγγενὲς* and *συμφορῆς* but *popularis*. These at festivall daies in *Athens* met in a place called *Phratrion*, as *Eustathius* obserues, & *Pollux* (where they brought their children to be engrossed in their books, as shall be hereafter spoken with the reasons thereof) *φρατρίων*, *Phratrizion* from hence comes which is τὸ εἰς φρατρίαν *συνέειναι*, to meet, for so *Eustathius* in another place εἰς ταυτὶ *συνέειναι*. As for the *φύλον*, or kindreds wee must not think that they were of one blood, but from that neere conjunction which they had each with other being admitted into this societie, *τρεῖς* & (every *τρεῖς* or kindred consisted of thirtie, whence they were named *τριακίδης*) ἢ *τριετίας*, ἐκ τῆς σινοδῆς ἢ *συνεσπέρδουχοι*. Not of affinity so called, but for their Synod; which the Grammarians call *σύστημα κοινωνικόν*, a Communicative familiarity, *κοινωνία* being a participating in one thing, or having an equall share in the same priviledges. Great was their care of each other; great was their mutuall loue; which that it might continue, *Solon* their Law-giver ordained certaine feasts to be provided, wherein they should kindly entertaine each other. *δεῖπνα* *εὐλαπικά*, and *φρατρίκά*. *Athenæus*. Ταῦτα δὲ νομοθετοῦντες οἱ νομοδῆται τὰ τε εὐλαπικά δεῖπνα καὶ τὰ φρατρίκά προστάξαντες ἐπὶ τῷ τοῦ δαΐμονος καὶ τῷ φρατρίκά, &c. Of feasts celebrated at this day the Law-makers haue appointed *Phyletica* for Tribes, *Demotica* for the people or popular,

Moreover

Moreover *Thiasos* for Colledges (as Philosophers for the death of their Grand Masters) and *Phratrica* for the same Ward. Hence *ἐσθλὸν πλὴν φιλῶ* and *ἐσθλὸν πλὴν φιλῶ*. Of which in due time. The reason of this the *Dipnosophist* giues, saying that wine hath *ἐλκυστικὴν πρὸς φιλίαν*, an attractive and perswading force to procure loue, and friendship.

CAP. VI.

Græcia vicatim habitata. Δῆμος quid? Atheniensibus proprium habere δῆμος. Quot? Temples & sacra pagatim.

ALL Greece was inhabited *καὶ κώμας*, as *Thucydides* *Lib. I.* speaks, by Villages before there were any Townes; from whence comes the word *Comædie*. *At vero nondum coactis in urbem Atheniensibus, cum Apollini Nomio, id est, Pastorum vicinorumq; prasidi Deo, constructis aris in honorem divina rei circum Attica vias, villas, & compita festum carmen solenniter cantarent: orta est Comædia* *ὡς τὸ κωμάειν καὶ αἶδεν*, quod est, commessatum ire cantantes. The *Athenians* being as yet not gathered into Corporations, when they sung sacred hymnes to *Apollo Nomius*, that is, the President of the shepheards and neighbours, about the villages, houses and crosse waies of *Attica*, alters being built in honour of the celebrity, sprung up a *Comædie* *ὡς τὸ κωμάειν καὶ αἶδεν* from revelling and singing. Others will haue it derived from an ancient custome they had, when any were injured among them, for the party wronged to come to the street where the offender lived, and in the night time to cry aloud *ὦ δῆμα* *αἰσχροῦ καὶ τὰ τὰ πᾶσι*, *δῶν ὄντων καὶ νόμων*. Such a one doth wrong, and commits such and such outrages, although there bee Gods and Laws by which, these abuses were reformed. But the *Anonymus* in a preface to *Aristophanes* saies *οὐ κώμας καλεῖται δὲ Ἀθηναῖοις, ἀλλὰ δῆμος*, that they were not called *κώμας* or villages by the *Athenians*, but *δῆμος* which they translate

In Solonop.
65. l. 33.

all had 8. pag.
181. & 111.
pag. 629.
h Lib. I. c. 4.

h Dipnosoph.
15 p. 185. d

d Donat. in
Præf. in Ter.

a Thomas
Magister.

state *Populos*, better in my minde *oppida* or Townes. *Cicero* ad^b *Atticum*. Venio ad *Piræa* in qua magis reprehendus sum, quod bmo Romanus *Piræa* scripserim, non *Piræum* (sic enim omnes nostri locuti sunt) quam quod *M* addiderim. Non enim hoc ut oppido praposui, sed ut loco: & tamen *Dionysius* noster, qui est nobiscum, & *Nicias* Cous, non rebatur oppidum esse *Piræa*, sed de eo videro. Nostrium quidem si est peccatum, in eo est, quod non ut de oppido locutus sum, sed ut de loco: secutusq; sum non dico *Cacilius*, Mane ut ex portu in *Piræum* (malus enim auctor Latinitatis est) sed *Terentium* cuius fabella propter elegantiam sermonis putabantur à *Caio Lelio* scribi. Heri aliquot adolescentuli coimus in *Piræum*, & idem, Mercator hoc addebat captam de *Sunio*. Quod si *dhums* oppida volumus esse, tam est oppidum *Sunium* quam *Piræus*. If so bee we will haue *dhums* to bee Townes, *Sunium* as well as *Piræus* is a Towne. These were formerly kingdoms as ^c *Pausanias* testifies. *ἑγχαπηλὶ δὲ δήμοι, ἧς ἐν τοῖς δήμοις πάντα πόλεις, αἷς ἢ πρὸ τῆ ἀρχῆς ἱεραλδοῦτο τὸ Κίρκον.* Moreover I haue written, that some of the townes were governed by a King before the raigne of *Cecrops*. And no marvell, for some of them farre surpassed other Cities, as *Aristides* affirmeth. These were most peculiar to the *Athenians*, anciently called *παυκάριοι*, as ^e *Aristoph.* Schol. or *Ναυκάριοι*, as ^f *Πολυκ.* twelue belonging to every Tribe. But *Clisthenes* changed them into *dhums*, as out of *Aristotle* the Schol. of *Aristoph.* The number of them is, as ^g *Eustathius* out of *Strabo*, and ^h *Casaubon*, an hundred seaventie foure. Some whereof having the same name are distinguished according to their situations *καὶ ὑπερδον* and *καὶ ὑπερδον* as we may say the upper and the lower Wakefield, &c. All of them are divided into Greater and Lesser. The *μικροὶ* or lesse are these. *Alimussii*, *Zoster*, *Prospaltii*, *Anagyrafi*, *Cephale*, *Prasieis*, *Lampreis*, *Phlyeis*, *Myrrinusii*, *Athmonieis*, *Acharna*, *Marathon*, *Brauron*, *Rhamnus*. The rest were greater. Take them promiscuous according to their Tribes.

KE-

ΚΕΚΟΠΙΣ.

Λιζύνη. Δωδαλίδαι. Επειδαι. Ευπίτη. Πίδος. Συπαλητός. Τερεμής. Αδιωρον ἢ Αδιωρία. Αλλὰ Λιζωρίδας. Φλύα. Εχονος. Νιδαλίδα, Επικίδα, Χυρετε, Πίθις, Συπαλεττις, Τρινετς, Αθμονον or Αθμονία. Αλα: Εχονίδες. Phlyα.

ΒΡΕΧΘΗΙΣ.

Αγχιλή ἢ Αγρύλλ. Ευωνυμία ἢ Ευόνυμ. Θήμακος ἢ Θέμακος. Κιρκία. Λαμπρα. Καδύπριον. Λαμπρα. Καδύπριον ἢ παρδάλιος. Παμβωτόδαι. Περγασή. Συβείδαι. Φηγῆς. Αγραγυρῆς. Αγραγυρῆ or Αγραγυρῆ. Ευωνυμία or Ευωνυμία. Themaci or Themaci. Cephysia. The upper Lampra. The lower Lampra, in which Sigonius erres calling one the maritimate, the other the inferior, which to be one and the same I haue shewen aboue. Pambotada. Pergase. Sybrida, Phagus, Anagyris.

Πανδίοις.

Αγγλή. Κυθαθηναιον. Κυθρεν. Οά ἢ Οείς. Πανιά καδύπριον. Πανιά καδύπριον. Περγασίδος. Στιρία. Φηγῆς. Μυρρινῆς. Angele, Cydatheneum. Cytharum. Οα or Oeis, the upper Paania, the under Paania, Probalinthus, Stiria. Phagea. Myrrinus.

Αιγυρῆς.

Αλλὰ Αραφνίδες. Αραφνῆ. Βατῆ. Γαργητός. Διομεία. Εραχδία. Ερίκεια. Εχρία. Ικαρία ἢ Ικαριος. Κολυτῆς. Κυθαθῆς. Πλωθῆ. Τιδεζῆ. Φηγῆς. Φηγῆς καδύπριον. Αλα Αραφνίδες. Αραφν. Βατῆ. Γαργητός. Διονεία. Ερεχθία. Ερίκεια. Εχρία. Ικαρία or Ικαριος. Ιονίδα. Κολυτῆς. Κυθάντιδα. Πλωθῆ. Τιδεζῆ. Phagea. Philade. Chollida.

Αγυρῆς.

Αγυρῆς. Ερεσίδαι. Ερμῆς ἢ Ερμῆς. Ηρακλῆς. Θέμακος. Ιπία. Κίρκια. Σπυρῆς. Χόλαργος. Χόλαργος. Χόλαργία. Κεραλή. Περσπαλτα. Αγυρῆς. Ερίκεια. Ηρμῆς or Ηρμῆς. Ηεφῆστια. Θορικός. Ικα. Κυθῆς. Σφῆττις. Cholargus. Cholargi. Cholargia. Cephale. Prospalta.

Λεοντῆς.

Αιδαλίδαι. Αιδαλία. Αοίδας. Διωτόδαι. Εκάλη. Επυρίδαι. Κατίοι. Κριτία.

Κρωπία Λαυρίον. Ὅιοι Κεραμ. Πασιόιδαι. Πήληκες. Ποταμός. Σκαμβονίδαι. Σίνιον. Τβα Υβόιδαι. Φρέαττον. Μαχαδών. Αλιμύς. *Æthalide Æthalia. Aphidna. Dirades. Hecale. Sypyrade. Cetti. Cropia. Leuconium. Oeum Ceramicum. Pæonide. Peleces. Potamus. Scambonide. Sunium. Hyba Hybade. Phrearris. Marathon. Alimus.*

Ἰπποδοτῆς.

Αἰθυσία. Αμαζονίδα. Ανώκεια. Αχερδύς. Δεκέλεια. Ελαιδς Ελαιύς. Ελδών. Ερσιάδαι. Θυμοιάδαι. Κηειάδαι. Κορυδαλλός. Ὅιος Δικιλ. Οινόν Ελδδ. Σφενδάλη. *Æzenia. Amaxansea. Anacsa. Acherdus. Decelia. Eleus. Eleusis. Eraada. Thymetada. Ceriade. Corydallus. Oeum Decelicum. Oeum ad Eleutherus. Sphendale.*

Αντοχίς.

Αιγλία ἢ Αιγλος. Αλωπική Αλωπικαί. Αμριζυτή. Ανάφλυσοι. Αττιῶν Αττιώα. Βίσα. Θορά. Κεῖθα. Λαχοπύνα. Μελαίνεις ἢ Μέλαιναί. Παλλήνη. Πεντίλη. Σημαχίδαι. Φάληρον. *Ægilia or Ægilius. Alopecce or Alopeca. Amphitrope. Anaphlystus. Atene or Atenia. Bessa. Thora. Criôa. Leucopyra. Melaneis or Melana. Pallene. Pentele. Semachida. Phalerum.*

Αιαντίς.

Οινόν Μαχαδ. Τεταχίδαι. Τεικέρυδος. Ραμνύς. Oenoe at *Macathon. Titacide. Tricorythus. Rhamnus.* Of this Tribe were some townes take away & put to other, *Aphydna, Persida, &c.*

Οινίς.

Βύθια, Βυθιάδαι. Επικηρισία. Θρία ἢ Θρία. Ἰπποτιμάδαι. Λαρία, Λακιάδαι. Λυπά. Μελίτη. Οη ἢ Οη. Πεισιδοίδαι. Πιλάα. Φυλή. Αχαενα. Τυρμιδαι. *Butea, Butada. Epicephisia. Thria or Thrio. Hipposomada. Lacia, Laciade. Lusia. Melite. Oe or Æa. Perithada. Ptelea. Phyle. Acharna. Tyrmide.*

Πολεμαίς.

Βερενικίδαι. Θυργονίδαι. *Berenicida. Thyrgonida.* Κορύλλη. *Comhyle.*

Αττάλις.

Απολλωνιῶς. *Apollonienfes.* These are all which authors make

make mention of according to their Tribes, others there are, which I know not how to distribute, none of the antients either directing or furnishing me. But these are they. *Agra. Anchesmus. Amphiade. Archilia. Astypalaa. Atalanta. Achradus. Belbina. Brauron. Brilessus. Enna. Echelida. Zoster. Thrion. Cale. Ceda. Cothocida. Coele. Cynosarges. Ceramicus* without the citty the same with *Academia. Laurium. Lenæum. Limna. Munychia. Parnes. Pnyx. Patroclus* his ditch or trench. *Sciram. Sporgilus. Hydrusa. Hymettus. Hysia. Phaura. Phormisii. Phrittij. Phoron. Chitone. Oropus.* To which are put the Ilands, called *Pharmacusa*, two in number, & *Psyttalia*. The Scholiast of *Aristophanes* speaks as if *Io* were a *Demus*, but I say not with him. The greatest use we have of these among authors, is in their forme of Law, matters of contracts, and the like, that there might be no fraud or deceite; that none either unjustly be taxed for any thing, or tax an other. Hence read we such punctuall clauses in their writs. N. the son of N. dwelling at *Alopeca*, ἐκ κοίλης, ἐκ μελίνης. ἐκ Κεραμίων, of *Cale. of Melite. of Cerameis.* In these villages were Temples of the Gods. *Livie. Templapagatim sacrata.* And againe. *Delubra sibi fuisse, quæ quondam pagatim habitantes in parvis illis castellis viisq; consecrata, ne in unam quidem urbem contribui majores sui deserta reliquerint.* So much witnesseth *Pausanias*; who tels us that they worshipped some peculiar Deity, and yet neverthelesse did πῶν Ἀθηνῶν ἄγειν ἐν πᾶσι, honour *Minerva*. Some of them had peculiar festivalls, as *Brauron* the solemnities *Brauronea*, to *Diana. Diomea* to *Iupiter Djomeus. Chitonea &c.*

a In Ranie p. 235.

b Dec. 4. l. 1. p. 12, 13.

c In Attida p. 77. l. 40.

CAP. VII.

Ἰερόν. Ολιγαρχία. Δημοκρατία. Atheniensium status mutatio.
 Ἰερόν. Σωτήριον Μέγας. Δεξ.

^a In Ciceronis
 de officiis p. 4.

THe ancients had but three sorts of government. *Tyrannis*, *Democratia* *Oligarchia* as ^d *Æschines*, which *Polybius* calls βασιλεία, ἀριστοκρατία, δημοκρατία, where although the one names it a *Tyrannis* or Tyranny, the other βασιλεία the rule of a King, yet must we understand the same. For in old time all Kings were called Tyrants, as *Servius* on *Virgil* hath observed. A word taken up by the *Græcians* about the time of *Archilochus*, which neither *Homer*, nor *Hesiod* knew; and therefore are the Poets noted, as, ἰδὼν π. πεπιδόπης, for calling the Kings, or βασιλεῖς before the *Troian* wars, Tyrants or Tyrannos. βασιλεία or a Kingdome, is where obedience is free, yielded rather out of a good advice, then for feare or might. ἀριστοκρατία an *Aristocratie*, when most wise and just men are fitly chosen to sit at the Helme of the Weale publique. δημοκρατία a *Democratie*, when the Lawes and customs of the Country in matters belonging both to Gods and men are truly observed, and that rules the roost, which shall be approved of by the greater part, τὸ δέξαι πῶς πλείοσι saies *Polybius*; as that may be said at a banquet to please all, which doth relish well with the most. But the grave Historian hath observed changes in such government, as they use to be, inclining to the worst Monarchies being turned into Tyrannies; as when the people are led away by the persuasions of some pleasing & popular man, and are as it were, willingly constrained to take the yoke that his usurping authority shall lay on them, a Tyrant indeed said, ^b *Viconscutus*, who gets it by violence, ^c *Omnes autem & habentur & dicuntur Tyranni, qui potestate sunt perpetua in ea civitate, que libertate*

^a Antist. 1.
 Pol. l. 5 c. 4.

^b Probus in
 Miluade.

^c Probus id.
 p. 17.

bertate usæ est. But all are accounted and called Tyrants, who haue perpetual authority in that Citie, which formerly hath enioyed liberty. The deprivation of which causing murmuring and rebellion, brings forth an *Aristocratie*, or government of the best men, such as are well brought up, and exercised in vertue. The end of an *Aristocratie* being, as ^d *Aristotle* hath it, *Vertue*, which of no long continuance doth soone degenerate, ^e εἰς ἐλιγάρχειαν παραέσσης καὶ φίλων, naturally inclining to an *Oligarchie*, or rule of few. These few being chosen according to their riches. And because that many in a state cannot be wealthie, therefore the number of them cannot be great. These are great Lords and little Kings, whose power swaies all, and not the Lawes; who uniuersally favour those that are partially theirs, and oppress them that would defend their libertie against them. All things being administered ^f πῶς ἑκάστους, by their presidents. Such dominion is taken away by the people set on a rage, and not bearing ^g πῶς ἑκάστους ἀδικίας, the iniuries of their rulers. Hence comes in a *Democratie*, which *Sophocles* calls ἐπὶ τῷ πλείοντι λόγῳ, the power of a multitude; whose end is freedom; when all can equally partake of the same priviledges and immunities, who are true citizens: whence *Terence* styles it *æquam libertatem*; for which the *Greeke Orators* haue properly used the word πολιτεία, as ^h *Vlpian* observeth. But the vulgar for the most part ⁱ In Demost. strangely insolent, prone to wrong, and ready to trespass against the Lawes, bring in by a miserable proceeding, the worst kinde of government an *Ochlocratie*, the rule of Rascallitie. All these in their times did *Athens* feeble, for they were governed by Kings foure hundred eightie seaven yeares: the last of which was *Codrus*, who in a fight between the *Dorians* and *Athenians* offered himselfe willingly to be slaine, it being foretold by the Oracle of *Apollo* that the *Dorians* should be conquerours unless the *Athenian* King were killed; he therefore clothing himselfe *famulari veste ne possent agnoscere*, saies ^a *Cicero*, with a servants habit least he should be knowne

^d Aristotle
 Pol. l. 4.

^e Polyb. l. 6.

^f πῶς ἑκάστους
 ἑκάστους in

^g In Demost.

^h In Demost.

ⁱ In Demost.

^a Tusc. Q. 1.

knowne, put himsele among the enimies, by one of which in a browle he was murdered. After whom none enioyed the name of King, ^b *quod memoria nominis eius tributum est*, which was done in memory to his name. For after that, *Archontes* or Judges ruled; in the Title *ἄρχοντες*, *Archontes*, but in power Kings, whose authority was for tearme of life. These continued three hundred and fiteene yeares. These being ended, it pleased the State to choose a man, whose office should continue but tenne yeares; seaven succeeded each other, & made up the number of seaventie yeares; who, because they abused their power, were made but for one yeare, called therefore ^c *ἄννυι Μαγιστρᾶτος*, yearly Magistrates. These continued untill *Pisistratus*, for a fained feare of the seditious, begged a guard of the people for his safetie. For when the faction sprung up. Of which I haue spoken in the fourth Chapter, hee cutting himsele with lashes, and the Mules which drew his Chariot, went into the place of meeting, *ἀγορᾶν*, and beseeching the people to afford him some defence against their violence, who did (but did not) assault him, procured a company of chosen Citizens who armed with clubs, not weapons, possessed the Castle, and so Tyranny came in, which *Pisistratus* enjoyed ^d thirtie yeares, and deceased, leaving behind him two sonnnes, *Hipparchus*, and *Hippius*, whom *Heracles* calls *Thessalus*. *Hipparchus* was slaine by *Aristogiton*, after whose death the *Athenians* lived under a tyranny ^e foure yeares, from which they were delivered by the help of the *Lacedamonians*, the offspring of *Alcmaeon* corrupting the Oracle, to the end that whensoever they came for counsell he should wish them to free the *Athenians* of that servitude. The *Democratie* came in eight hundred sixtie eight yeares after *Cecrops*, established by *Solon*, who excluded the fitt ranke of plebeitie from office or honour by a law, afterwards abrogated by *Aristides*. After this *Pericles* brought in an *Ochlocratie* by weakning the power of the *Areopagites*. Then after the overthrow in *Sicily*

^a Justin l. 2.

^a Justin l. 2.

^d Heracles in Pol.

^e Herodotus l. 5. p. 135.

ly the *Τετρακόσιοι* or foure hundred took upon them state, deceaving the people, as ^f *Aristotle* and ^g *Thucydides* affirme. ^j Pol. l. 6. 57. For perswading them that they should reconcile *Tissaphernes* ^g Lib. 8. and *Alcibiades* unto themselves by that meanes, and that the Persian Monarch would afford supply for the war, they most willingly condescended to this motion in the one and twentie yeare of the *Peloponnesian* warre. These Princes were called ^a *πνταμυρίατοι, πτετακόσιοι ὄντες*, Five thousand, though ^a Plac in Al. not exceeding foure hundred. The reason is, because they ^b Pol. l. 6. 57. boasted that none should bee rewarded, but who bare armes; nor any admitted to publique power but five thousand, such as with person and estate could be beneficiall to the Republique. Their authority was granted by an ^b Act of the people, ^b Xen. *ΕΛΛ. 6.* to which *Theramenes* was very forward, but after they were inducted none more ready to driue out; whereupon they termed him *κρόδορον* *Crothurnum*, from a kinde of start-up which did fit both feet. ^c *ὃ δὲ κρόδορον ἀρμύτλην μὲν πρὸς πόντον ἀμφο-* ^c Xen. p. 275. *τέρους δοκεῖ.* The word may sute with a lack of both sides. These *Τετρακόσιοι* were constrained for feare of ^d *Alcibiades* ^d Justin l. 5. to resigne the right unto the people, and to goe into wilfull banishment. But when *Lysander* had overcome *Athens* (the ^e *Lacedemonians* ever affecting an *Oligarchie*, as the *Atheni-* ^e Arist. Pol. l. 1. *ans* a *Democratie*) he ordained these thirtie to be chiefe, ^f *Po-* ^f Pol. l. 6. 57. *lyarches*, *Critias*, *Melobius*, *Hippolochus*, *Euclides*, *Hiero-* ^g Xen. *ΕΛΛ. 6.* *Mnesilochus*, *Chremo*, *Theramenes*, *Aresias*, *Diocles*, *Phadrius*, *Charileos*, *Anatius*, *Piso*, *Sophocles*, *Eratosthenes*, *Charicles*, *O-* ^h Xen. p. 272. *nomocles*, *Theognis*, *Eschines*, *Theogenes*, *Cleomedes*, *Era-* *stratus*, *Phido*, *Dracontides*, *Eumathas*, *Aristoteles*, *Hippoma-* *chus*, *Mnesithides*. These began at first to put to death the worst and most abhorred, saies ^g *Salust*, without triall of law; but afterwards the good and bad alike; ^h some for envie, others for riches. These to make their partie firme chose about three thousand to whom alone they permitted to haue weapons, disarming all the rest, to the end they might easily command their lives. But by their lawes for they made

^g In C. til. Comip.

^h Xen. p. 272.

some

to me, stiled *ἄνθρωποι* (which were nullified by a decree, as we shall speake hereafter) none was to suffer *ἐν τῇ ἀποτάξει*, who was registred in the list of three thousand. So cruell were they, that the people fled into *Phyle* a castle in the *Athenian* borders; and making an head, under the conduct of *Thrasybulus*, at last shook off this yoke, and remained free untill the death of *Alexander* even foure score yeares, whom *Antipater* succeeded; who in battle at the Citie *Lamia* gaue the *Athenians* an overthrow; and gaue them quarters on these termes that they should submit to a few *Pæces*, whose revenues amounted to two thousand *Drachm's* at least, the chief of who was *Demetrius Phalerem*; that they should likewise receaue a garrison into *Munychia* for the assuaging of riots and uproares. But foure yeares after, *Antipater* dying, the Citie fell into the power of *Cassander*, of whom they often stroue to acquit themselues. But in vaine: For he brought them to such an exigencie, that they were glad to come to composition. And indeed he dealt fairely with them, giving them their Citie, Territories, Tributes, and all other things, so that they would be confederates to him, that none, whose revenues come not to tenne *mina* or pounds, should undertake any function in the Common-weale; and hee should bee their overseer whom he would be pleased to nominate. The man appointed was *Demetrius Phalarum*,^a who made the Citie to shine in her full lustre, insomuch that they erected in honour of him three hundred Statues. He wrote a Treatise of the *Athenian Republique*, which had not time devoured, would haue given no small light to my poore endeavours. After he in trouble and vexation had spent foureteene yeares he was put out by *Demetrius* the sonne of *Antigonus* surnamed *Poliorectes*, who restored the ancient customes to them againe. To him they ascribed such worship, as also to his father, that they changed the name of their Iudge from *Archon* into *Συμβουλῆς*. The Priest of the Gods that saved them, calling the yeare after his name, and adding * two Tribes to

^a Vide Laert. in vita, & Strabonem.

^b Plut. in vita Demetrii.

the Tenne; whence the Senate consisted of six hundred, but sine before, as *Stephanus*, But when *Cassander* had overthrowne the sonne and father, such was the ingratitude and levities of the *Athenians*, that they forbad *Demetrius* to approach nere their City. After this *Lacharus* plaid the Tyrant, and was expelled by *Demetrius*; whom they utterly cast off, assuming againe the title of *Archon*. *Demetrius* dying *Antigonus Gonatas* succeeded, who in the nineteenth yeare of his reigne put in presidiarie souldiers to the Citie, which tenne yeares after he tooke out. The *Macedonians* still kept some of the *Athenians* forces in this space. *Demetrius Antigoni Gon. F. & Antigoni D. son*, out of whose hands *Aratus* the *Sicyonian* rescued the Citie, and made it stand by it selfe untill *Philip*, the last king of the *Macedonian Monarchie* except one, did somewhat shake it, as you may read in *Livie*. But he was expelled by the Romans; who tooke the *Athenians* into league, with a maintaining of their ancient right. So they remained untill the warre betweene *Mithridates* and the Romans. For by feare they were driven to receaue *Archestratus*, *Mithridates* his Generall, within their walls; against which *Sylla* laid siege, and captivated the City, whence proceeded *αἰσχροῦς ἐπὶ πόλιν*, a merciless slaughter; saies *Appian*, that the streets did runne with blood. But the Lawes were not much altered by this Conquerour; and therefore they lived in a neere resemblance of their former state; in fauour with the Roman Emperours. *Iulius Caesar*, *Adrian*, *Antonius*, *Gallienus*, in whose successours time, *Claudius*, the second of that name, this City was ransacked by the *Goths*, who when they had heaped up innumerable companies of hookes to burne were deterred by this reason, *ἵνα μὴ τὸν χρόνον ἀπὸ τοῦ ἀναγιγνώσκουσι*, *that the Greeks*, spending their time in reading of *history*, might be *indolent* or *idle* for warre. *Constantine the Great* likewise had this City in high esteeme, taking to himselfe the Title of *Στρατηγὸς Ἀθηνῶν*, as *Julian* saies, which in the words of *Nicephorus Gregoras* is *ἡ τοῦ βασιλέως Δουκὲς (ὁ βασιλεὺς)* the *Grand Duke*, whom *Constantine* afterwards

^a In Berenice.

^d Plut. in vita.

^e Decad. 4. l. 1.

^f Vide Appianum Alex. in Mithridatico, circa pag. 122 123. &c. ^g Plut. in vita p. 335.

^a Cedrenus Baptista Egnatius. Rom. Pan. l. 1.

^b In Oratone Constantium ^c Hist. Rom. l. 7. p. 166.

J. Hist. Rom.
l. 7. p. 167.
e Nic. G. eg.
lib. 104.

f Chalcochon.

καλκόνος

καλκόνος

* In the time

of Pietro Z-

m came Am-

bassadors from

Athens to doe

homage to the

Venetian Se-

nate. M. Leu-

kenor in his

ry and lives of

the Venetian

Princes.

g Chalcocon.

l. 9. p. 299.

wards they called the ^d Duke of Athens, in that Historians time. Emperours haue taken them wiues citizens of this place; and the ^e daughters of their Dukes haue beene desired by that eminent ranke. And indeed no marvell. For they were potent. Rainerius Acciajolus is said to haue taken the Citie from the Spaniards that inhabit Arragon, *Ἰσπανία*; who having no issue male of his wife *Eubonia* but an illegitimate named *Antonius*, by another woman, bequeathed by will *Boetia* and *Thebes* to him, but *Athens* to the ^{*} Venetians, from whom his sonne recovered it againe. *Nerius* succeeded him in the Dukedome who thrust out *Chalcocondylas* his father. After him came in *Antonius Nerius* brother to the former *Nerius*. Now about this time wee must knowe that *Mahomet* the sonne of *Amurat* the second got *Athens*, whose beauty and building hee held in admiration; which when he had made his owne, he continued the Title. For another *Nerius* from those above named dying, leaving one sonne an infant, his mother in the childes Title exercised Tyranny. This woman loved a Venetian Noble man (sonne to *Petrus Palmerius*, to whose goverment the Citie *Nauplia* was committed, he is called by *Chalcocondylas Priamus*) who came thither for merchandize. Him by discourse and flattery shee intised into her loue, promising that shee would take him to her husband, and gine up the Princedome of *Athens* unto him. But upon condition, that hee would divorce his owne wife. Whereupon the young man going to *Venice* slew his wife, swelling with ambition and thirstie of honour. Which being done, hee returnes to *Athens*, marries this woman, enioyes the goverment of the Citie; who being hated of the *Athenians*, and complained of at the Court, to avoid envy termed himselfe the Childes Tutor. And not long after taking the boy with him, went to the Court; where *Francus Acciajolus* waited, expecting to be promoted to the Dukedome. When the Emperour therefore understood the folly of the woman, he gaue the title to him. Who being enstalled, imprisoned

prisoned the woman at *Megara*, and afterwards (by meanes not knowne to the ^e Author) slew her. This *Francus* in time ^a Chalcocon. p. 300. was taken away from men by *Zogan* governour of *Pe-*
Ioponnesus, *Mahomet* having intelligence that the *Athenians* would haue delivered the Citie to the Prince of *Ba-*
sia. Hee was the
last Duke.

E 2

LIB.





LIBER SECVNDVS.

CAP. I.

Duodecim Dii Atheniensium Idololatria septisariam commissa. Dii Adscripti. Θεοὶ Ἀγαστοί.

a Pag. 48.

b In Tractu
c Hec. 1. 18.
d Hec. 1. 18.
e Pag. 48.



Herodotus in Scythica is of opinion that the Greeks derived their religion from the Egyptians. But *Plutarch* doth stoutly deny it. And not without good testimonie may I affirme that it seemes to bee a falsitie. For *Orpheus* is thought to have brought the mysteries of piety into Greece; who was himself a Thracian, from whom the word *Θρηνη* is supposed to be drawne, which signifies devotion. Τὸ ἐν τῷ πύαν θεὸς ἐκάλειον θρηνη, ὡς Θρακίαι ἔθνη τ' εὐρέστες, saies *Novius*. They called *Θρηνη* to worship God, &c. Ap-positely to which *Aristophanes* is βαλεχολις.

Orpheus showed us sacrifices and to abstaine from slaughter. Neither is *Euripides* disagreeing in *Rheso*.

Musculum τε ἢ Σοφιστῶν οὐκ ἔστιν *Orpheus* revealed the hidden mysteries. *Herodotus* names not the Gods, the worship of Whō the Greeks might borrow from the Egyptians; Twelve in number

number they were, quoth he, but these only are reckoned. *Jupiter. Bacchus. Hercules. Apollo. Mars. Pan. Diana. Isis or Ceres. Sais or Minerva. Latona.* as I have gathered, which all at once to have beene made knowne to the *Greekes*, and that by the *Egyptians* is too hard a taske for me to prone. The *Athenians* I am sure had twelve Gods in especiall honour, whose 8 pictures they had drawne out in a Gallery in *Ceramicus*; and had an Altar erected, called *ἑκαῶντα θεῶν* *Plut. in Nicomach. pag. 387.* on which a little before the *Sicilian war*, a man dis- membred himselfe with a stone; which was accounted prodigious. By these twelve would they sweare in common discourse. *ἡ μάταια δὲ θεῶν.* The heathens thinking that they did honour those Gods, by whom they sware; as I have elsewhere spoken. But they were not confined to so small a number as twelve. For how could it be, when they ran through the seven sorts of Idolatrie? First worshipping the Sunne, & punishing with death the neglect thereof; as you may read in *Plutarch* in the life of *Pericles*. Secondly, deifying the effects of God, as bread, &c. For *Clement Alexandrinus* interprets *Διὸς*, *Ceres*, & *σῆν*, corne or food. Thirdly the poeti- call Gods. *Furies*, and revengers of wickednesse, as *Alastores. Palamnei*. Fourthly, the Passions, as *Loue, Pittie. Inurie* like- wise and *Impudence*, to whom *Epimenides* built an Altar at *Athens*. Fifthly the accidents of growth and nourishment, hence *Anxo*, and *Thallo* two deities, *αἰξάνων*, to increase, and *δαίνων* to flourish; to which may be put *Clotho, Lachesis*, and *Atropos*, the three fatall sisters, and *Εὐχαιῶν*, *Necessitie*, taken sometime for death it selfe. 6ly, the Theogonie or pedigree of their Gods, able to make up the summe of which *Homer* speakes. *Τὰς δὲ μέλαινας*, &c. Three thousand. Seventhly an ignorance of the providence and bountie of God toward them, fained *Hercules* the repeller of evill, and *Asclepius* the God of Physick. And if this serve not, I can add an eighth way, namely hospitality and good entertainment of strange Gods. *Ἀδελφὸν δὲ ὅπως περὶ τὰ ἀνὰ φιλοξενίας διαπλεῖν εἴη*

a 113. 471. *ὅτι οὐκ οὐσί. saies* ^a *Strabo*. as the Athenians *love forrainers*, so *forraine Gods*. οὐ γὰρ μόνον τοὺς παροβυτάτους ἀλλὰ καὶ τοὺς ἑσθλούς. ^b *Aristides*. For they serue not only the most ancient Deities, in a peculiar manner about all their followers, but haue assumed adventitious ones; such as ^c *Orthane*, *Conisalus*, and *Tychon*. So prone were they to conceale superstition, that when ^d *Paul* preached *Jesus and the resurrection of the dead*; they forthwith deemed *Anastasin*, or resurrection to be a God. And least they should omit any, they erected Altars to the unknowne Gods, of which ^e *Pausanias*. Neither may we doubt of it, the scripture bearing witness. The cause of this they say to be a fearefull vision appearing to *Philippides*, sent Ambassador to the *Lacedæmonians* concerning aid against the *Persians*, and complaining that he (^f *Pan*, from whom *πανικὸν δὲ σπέρμα*) was neglected and other Gods worshipped; promising likewise his help, they therefore being victorious, and fearing the like event, built a Temple, and Altar To THE UNKNOWN GOD. Another opinion is, that a plague being at *Athens* hot, and the people finding no help from the Gods they implored, surmising some other power to haue sent the disease, whereupon they set up this Altar, on which was written ΘΕΟΙΣ Ἀσίας καὶ Ἑυρώπης καὶ Λιβύης, Θεῷ Ἀγνώστῳ καὶ ἑνὶ. TO THE GODS OF ASIA, EUROPE, AND AFRICA, TO THE UNKNOWN AND STRANGE GOD. As *Iustin Martyr* and *Oecumenius*. Much may be said of their Tutelar Gods, both for their Cities and houses, much of their *Heroes* or Demigods. We will view them in order.

^f Vide Eurip.
Sclian Med.
p. 482.

g Pag. 137.

CAP.

CAP. II.

Iupiter βασιλεὺς. Νίμω. Ἰκίω. Πολύχ. Βυλαῖ. Φερίπ. φίλι. Ουίγνιος καπιβάτης. Ἐρκι. Ἀργεῖ. Ξένι. Μοδίου salis edendi, Tesseræ hospitalis seu Symbolum. *Apollo* Ἰσθμιαίος. παλῆος. Ἀλξίλαος. Θυραῖος. Ρωαν, & eiusdem verbi origo. *Mercurius* Παλιγκάπλος. Βελύριος. Σφραῖος. Περύλαος.

ABoue other of their Gods *Iupiter* was had in high esteem. And that commanded by the Oracle. For when the *Athenians* were bidden to dissolve their kingdoms, they were charged to make choice of *Iupiter*, ^a *σεβίσανθαι ὃν Δία* ^a *Sch. Aristop.* *Βασιλῆα*. And so by ^b *Aristophanes* he is called *Ζεὺς βασιλεὺς*. ^b *In Nubibus* Him they worshipped as *President of Law and Justice*, under the name of *Iupiter* ^c *Nemius* (different from that of *Corinth* ^c *Dem. in* *Mid. p. 251.* named *Νίμω*) Him as *God of supplicants*, hence ^d *Ἰκέσιος*, Him ^d *Vlpian in* *Dem. p. 273.* as *Protector of Cities*, hence *παλιχός*. Him as *Governour and Director of their counsells*, hence *Βυλαῖος*. Him as *chiefe of their Societies*, hence *φερίπρος*, and of their friendship too, hence *φίλιος* and of kindred likewise, hence *δωλῆσιος*. To him they ascribed *Thunder*, hence *Ζεὺς καπιβάτης*, as much as coming downe in thunder. To him they thankfully acknowledged their delivery from the *Persians*, wrought by *Themistocles*, hence ^e *Ἐλδῆσιος*. Him they confessed the *greatest of all*, hence ^f *ὕπατος*: Him the *overseer of their buying and selling*, hence ^g *Ἀργεῖος*. To him stood an Altar sacred in the courts of their houses, hence *Iupiter Hercæus*, from ^h *ἔρκος* a wall, as it hee were the watch and defender of the house. *Phavorinus*. *Ἐρκίς* ^{v. b. p. 626. *Διὸς ἑωμὸς ἔξω τοῦ οἴκου καὶ αὐλῶν, αἰθέρος ἢ* ⁱ *ἄρκος*, ἐν ᾧ ἔδυσαν ⁱ *Plur. & Paus.* *Διὸς ἑωμὸς τῷ ἔρκῳ*. There was also an Altar to him before the gates, of which ^h *Ovid*. -- *Ante ades stabat Iovis Hospitis ara*, hence *Iupiter Xenius*, as if he were the *God of strangers and hospitality*. So solemn were they in their entertainments, that}

^a Sch. Aristop.

^b p. 122.

^b In Nubibus

^c Dem. in

^c Mid. p. 251.

^d Vlpian in

^d Dem. p. 273.

^e Paus. p. 18. l.

^f 40. Who

^f thinks Sylla

^f to be eaten

^f with lice by a

^f judgement.

^f that saw Ani-

^f tion suppli-

^f cary flying

^f to the Tem-
ple of Minerva.

^f c Aristoph. A.

^f v. b. p. 626.

^f Plur. & Paus.

^f Paulan.

^f Aristoph.

^f p. 317.

^f Metamorph.

a people of the West Indies use, who in their fighting dance, and leap, and sing *Tó Pehó*, at this day. *Mercury* is hallowed by the name of *Ἡρμῆς* or *Ἡρμῆς*, deemed to be the God whose favour could enrich Merchants and Tradesmen. He is the God of craft, so by consequence he that is cunning to cheat may soone grow rich, wherefore this God is termed *Ἡρμῆς*, *Very profitable*, from *ἥρμαινα* augmenting word, and *ὄντα* to profit. Hee had a statue erected to him in the Market place called *Ἡρμῆς Ἀγοραῖος*. The entry of their houses was sacred to him, from which he is named *Ἡρμῆς Πύλαιος*, as like- wife *Ἡρμῆς* from *στρέφειν*, to turne, because he was set up be- hinde the dore to keep away theeues, that were wont to lurk thereabout, and then after ward commit their villanie. More of his names you may read in *Ἀριστοφ. Schol.*

CAP. III.

*De Saturno, Vulcano, Neptune, Marte,
Hercule. Ἡρακλῆς.*

Saturne was worshipped by the *Athenians*, witnesse the *Statues* kept in honour to him called *Κεῖνια*; witnesse a *Ἱεῖον* Temple which he had in *Athens*. Of his antiquitie I cannot much affirme any thing. He seemes to haue beene of old, as I con- jecture out of *Ἡρμῆς* *Ἡρμῆς*, *Saturnina anima*, put for dotage proverbially. *Vulcan* likewise had his honour there, and a Temple, of which *Ἡ Δημοσθένης*; where was one of the *A- thenian* prisons; some controversies in law in it decided, as I gather out of *Ἡ Δημοσθένης*. *Neptune* was an ancient Pa- tron of this Citie, which he loved even to strife. He was tea- red for securitie in navigation, hence *Ἡ Ασφάλειος*. *Mars* also had his worship, and Temple, and *Hercules* too, who in a dreame appeared to *Sophocles*, revealing unto him the sacri- ledge of one who had stolen a golden cup out of his Tem- ple: called therefore *Μηνῆς* or *Index Hercules*, as *Ἡ Τούλῃ*.

Neither

Neither were they contented with such a quantitie, but ca- nonized more daily, as the sonnes of *Tyndarus*, *Castor* and *Pollux*, naming them *Ἄνακτες*. *Ἄνακτες* ἔχον τὸ ὄπαισιν ἀνδρῶν. *Ἄνακτες* ἔχον τὸ ὄπαισιν ἀνδρῶν. For they who haue a care & watch of any thing doe diligent- ly obserue it *Ἄνακτες* ἔχον. For which Kings perhaps are called *Ἄνακτες*, as keepers of their people. The Scholiast of *Ἡρόδοτος* teaches us that *Ἄναξ* properly signifieth a Saviour. So *Παναῖος* is said to be *Ἄναξ Κυλλήνης*, the *Tutelar God of Cyllene*. And *Apollo* in *Ἡρόδοτος* *Ἄναξ* ἵσθι ἀνδρῶν. The word is simply put for God in *Ἀριστοφάνης*, *Ἄναξ* ἵσθι ἀνδρῶν. To these may be put *Harmolius* and *Aristogiton*, *Iy- cus*, *Theseus*, *Alon*, *Hesychus*, *Aristomachus* the Physician, *Celeus* and *Metanira*. And many more (of whom see *Ἡ Με- τανίρα*) made of Men, as *Silanius* and *Parrhasius* that made the statue of *Ἡ Θέτις*.

CAP. IV.

De Minerva, Cerere & Proserpina, Baccho, Venere, Eumeni- dibus, Hecate, Iunone, Prometheus, &c.

Minerva the especiall deitie of the *Athenians*, had the *Festivals* called *Panathenæ*, of which you may fully read in *Ἡ Μετάνιρα*. Next to her *Ceres* and *Proserpina*, whose rites *longe maximis & occultissimis ceremoniis continentur*. *Cicero* were greatest and most hidden: therefore cal- led *mysteria* from *Ἡ μυστα*, to hide; death and a curse lying on him who should disclose those abominable secrets. See *Ἡ Μετάνιρα* in his *Ἡ Ελευσινία*, of the initiation into these stews. They were of two sorts. Greater to *Ceres*, lesse to *Proser- pina*. *Bacchus* also the sonne of *Ceres* had his Temple allotted and a double tide holy to him. *Dionysia* *parva* and *Ἡ Magna*. *Venus* had her honour, and sacrifice in which they offered to her money the price of an whore. *Eumenides* were first a-

dored by *Orestes* after he escaped the *Judgement* at *Athens* in *Areopagus* for killing his mother *Clytemnestra*. These by *Hesiod* are called *Erinnyes*, by the *Athenians* *Συμναίαι*, the venerable Goddesses. To these they offered drinke offerings, without wine though at mid-night, a custome peculiar to them alone, as *Æschylus* witnesseth, though I am not ignorant that *Bacchus* his feasts were kept in the night, whence he is called *Nyctelius*. But the Tragedian.

ο χυλίσματα δένοντα ἐπ' ἐξάρτα πύργῳ

ἔθουσι δένον ἐπὶ τοῖς κοινῶν θεῶν.

¶ In Theog. n. 1.
I Paul. p. 27. l. 3.
m In Eumen. p. 275.
* Anstoph. p. 228.
• Loco citato.

p In Oedipo. Col. p. 271.

¶ Æschylus loco præc.

¶ Vide Interp. Hor. in illud Diva in formis.
/ Anstoph. Sch. p. 63.
† Pag. 64.

u In Orat. *ὅς τις κύνων*. p. 693 u 59.

* In Nubes p. 176.

x In Plut. 63.

Scholias: ἐν τῷ πρῶτῳ βιβλίῳ τῶν *Εὐμενῶν* ἀπόρον. By *Phocles* the manner of oblation is set downe. First having cleane hands and pure, the worshipper ought to draw out of a running fountaine water, and having filled three cups with water and honey (hence termed *ὑνθάλια μελίσματα*) the mouthes and eares of which are to be covered with the wooll of a young sheep, turning himselfe towards the East, he powdered out some of two of them, but the third wholly; then with both hands setting thrice nine branches of Olive on the place where he cast his *σάβλα*, hee uttered his conceived supplications. Other sacrifices they had as shall bee shortly spoken. *Hecate* was worshipped by them in *trivium*, where three waies met, supposed to bee the Moone in heaven, *Diana* on earth, and *Hecate* below. To her the richer sort every new Moone made a feast in the crosse waies, setting bread and other provision, which the poore greedily fed on, and were so ravenous after, that *Penia* in *Aristophanes* complains, that they snatcht it, before it could be laid downe. Reference to this hath *ἑστία κατεδένον*, to eat the cates of *Hecate*, in *Demosthenes*, which he seemes to object, as a sordid or wicked thing. Indeed *βωμολόχος*, which signifies one that privily taketh away any of the sacrifices from the Altar, imports sometimes *impious*, *βωμολόχος ἀσεβής*. *Schol.* * *Aristoph.* And yet the same *Scholias* tells us that the needy sustained themselves by the sacrifices. * *ἀπὸ τῶν ἱερῶν τὸ δὲ πτωχοὶ ζῶσιν*. *Innocent* rites were

were performed in great pomp with haire over their shoulders and downe the back, in a vesture that swept the ground, their armes bedecked with glorious bracelets, their paces so minced, that *ἡ ἑστία βαδίζει*, *Iunonium incedere* is to goe stately. *Prometheus* was worshipped in a kinde of Torch-dance, or running with linkes or lamps, it may bee in memoriall of the fire, which superstitionly they beleevd him to have stolne out of heaven. To say more of their Gods were needlesse either for you to read, or me to write. More they had, among whom *Pan* was of a latter making, introduced by *Philippides*, and * *Σφραγιδίς Νύμφη*, *Sphragitides Nympha*, after the *Persian* overthrow.

¶ Vide Schol. in Proverb. Isaacum Catant. in Athen. l. 12. c. 5. p. 383.
b Cl. Alex. p. 22.
* Plut. Arist. p. 240 l. 30.

CAP. V.

Θεοὶ Ἀνδράλαιοι. *Egredi. Phacasi Dii.*

THE *Athenians* before their dores erected statues which they called *θεοὶ ἀνδράλαιοι*, because they were exposed to the Sunne. Neither had they these alone, but certaine others sacred to *Mercury*, named from *Hermes Herma*, *Mercuriales*. The fashion of them was divers. For first they were not *ἀντισταθεῖς*, *porrecto veretro*, but made after to that forme by the *Athenians*, who received it from the *Pelasgi*, as *Herodotus*. Neither did they want legges, untill the *Athenians* made the *ἐκώλυε*, according to * *Pausanias*. The manner was this. e. A face of *Mercury* set upon a pillar of foure corners. The head only and neck were shapen, and therefore it was called *truncus Hermes*, *† Juvenal*,

Nil nisi Cecropides, truncusq; simillimus Herma.

Nullo quippe alio vincis discrimine, quam quod

illi marmoreum caput est, tua vivit imago.

For which reason likewise the *Greekes* name them *ἄγυαί*, without limbs. On the lower part of them were certaine verses engraven, containing the praises of some well deserving men

¶ Vide H. Sy. chum & Dionysium Petavium in Themistium.

¶ In Euterpe. p. 48.

¶ In Atticis p. 221. l. 14.

¶ Sat. 8. v. 52.

¶ Vide Vipsian. in Dem.

p. 332. & G.

Langbaine in

Nous ad

Longinum.

men

men; but the *Hermæ* on which they wrote the exploits of those that had merited, seeme to me to haue beene set up in that gallery, which from the number of these images was commonly knowne by *Ἐρμῆος Στῆν* the gallery of *Mercurials*. At the consecration of these they used some ceremonies, and sacrificed a kinde of gruell, which was of no great preparation; Because they would not stand long about it. Hence *χύ-
πτος ἱδρὶς* may be said to sacrifice with that which costs but little. ^b *Aristophanes*. *Χύπτου, ὡς ἀπὸ μισθοῦ* *Ἐκιδίου*; *Schol.* *Ἐκιδίου, ἀπὸ τῶ ἐν πάλαι.* in *Pace*. Now to the erecting of their Images it will not be unseasonable to adde something of the forme of their Gods; whom they made standing with their hands upward, as if they were more willing to receive then bestow any thing. To which ^a *Aristophanes* alludes, saying, -- *ὅς τ' ὁ Θεός. Γνώσει δ' ἄντ' ἡμῶν χερῶν τε καὶ ὀστέων.* *Ὅταν γὰρ ἐν αἰσῶνι δίδωμι τὰ χαῖα.* *Ἐπικαν ἐκλήγοντα πῶς καὶ ἔσ-
παι.* *οὐ γὰρ ἐκ πῶσων ἄλλ' ὅπως πάλαι.* Even the Gods you shall knowe by their hands and statues. For when we pray them to give us some good thing, they stand with their hands upward, as if they would send downe nothing, but rather take oblation. To tel you likewise that these Idols were clothed, is no news doubtlesse to one meanelly versed in the Greeke antiquities. To say that they wore shooes too, is probable, whence they are named *Dis Phacasiæ*, from *φακασίαι*, a kind of low shooes which the *Athenians* called *καλπίδες*, from *καλπίς*, dust, and *πῆς*, the foot, because they were neare the ground. *διὰ τὸ πλάζειν*

μοι δοκεῖν τῇ καλπί τὸ πῆς, saies ^b *Clemens Alexandrinus*. But more sure I am that they were pictured with them on their feet. ^c *Juvenal.*

*Hic aliquid præclarum Euphranoris & Polyclei
Phacasiarum vetera ornamenta Decorum.*

CAP.

CAP. VI.

De Superstitione Atheniensium, & vaticiniis.

Long since were the *Athenians* taxed by the Apostle for superstition, which though it properly signifies ^a a worshipping of the Gods too much, yet under it these follies are comprehended. Purification after fearefull dreames, in ^c *Aristophanes* *ὄνειρον ἀποκλίζειν*. In which sense some understand *Persius*. *Nō est in flumine purgare*. Wearing of rings against witchcraft as a spell, called *δακτύλιος φαρμακίας*. ^d Spitting into their bosomes thrice at the sight of a mad man, or one troubled with an *Epilepsie*. Of which also *Theocritus*, *τρίς εἰς ἑμὸν ἔπυσσε κόλπον*. I knowe not whether the custome of our fillie people haue reference to this foppery, who use to spit at the naming of the Divell. Certaine it is that anciently they did spit in defiance, hence *πύειν* is put for *καταχερεῖν* and *ἐν ἑλπί λόγῳ πύειναι* to contemne or set little by, as the ^e *Scholi-
ast of Sophocles* on these words, *πίσας ὥσεί τις ἄνθρωπος*. Washing with water the head as often as hee shall goe into the streets *κατὰ καλῶς λούσας*; ^f *Theophrastus*. Anointing of stones, divers it seemes from those heaps sacred to *Mercury*, termed *ἐριμαίαι*. This hath beene of old. Done indeed as a token of thankfulnessse by ^g *Jacob* in *Beihel*, where hee tooke the stone that he put for his pillowes, and set it up, and powred oyle on the top of it, in his journey to *Padan Aram*. Hennes crowing, the bold entrance of a black dog into their houses, Serpents scene *ἐν τῇ οἰκίᾳ*, saies ^h *Theophrastus*, of which ⁱ *Terence*. *Introit in ades ater alienus canis. Anguis per impluvium decedit de tegulis. Gallina cecinit.* Put to these a ^b *Cat* or *Weefel* (the word signifieth both) crossing his way, the Mouse eating his salt bag. Not unlike them now adaies, whose clothes the Rats or Mice shall chance to eat, deemed not long after like to liue by our ignorant, or that hee shall haue great ill betide him.

^a Donat. *Ter. p. 67.*
^c *Ran's p. 274*
^d vide & *Arch.*
^e in *Peris.*

^f *Aristop. 14.*
^g *p. 83.*
^h *Theoph. Ch.*
ⁱ *p. 49.*

^a *Anguio.*

^f *Charact.*

^g *Gen. 28. 18.*

^a In *Phor.*
^b *Ac. 4. 34.*
^c *γὰρ.*
^d *Theoph.*

him. Adde the avoiding of obsequies for feare of pollution. Antiquity was of opinion that sacred persons were defiled with the sight of the dead, as *Chemnitius* hath observed, and *Euripides* brings in *Diana* speaking that it is not lawfull for her to behold dying *Hippolytus*. Nay the standing upon a graue was a great religion; *ἄβλυται νύκτα*. Furthermore observing of daies good & bad, of which *Hesiod*, *ἀλλὰ μὴ περ, ἀλλὰ ἑμήπερ*, that one is a stepdame, another a mother. ^c Amazement at the Eclipse of the Sunne, as also the ^f Moone; not knowing the reason, why shee did loose her light, at that time, when shee was in her full lustre. Buying of Medicines or enchanted stones for the quicker delivery in child-birth, in *Aristophanes*. *ἔχουσιν ἀντιστάμενοι*. Of the vertue I speake nought. ^g *Boetius* relates that in *Darien* in *America* the women eat an hearb when they are great with child which makes them to bring forth without paine. Ioinc to this the sneezing over the right shoulder, or the right side, ^b *παρὰ δεξιῶν*. Observation of *Διοσμείας*, or sudden stormes, as the ⁱ *Sch. of Aristophanes* interprets it, snow, haile, or the like. ^k Cutting off their haire, and sacrificing it to rivers, as *Cepheissus*, Marking the flight of the owle, whence came the proverb, ^l *γλαῦξ διέπτατο*, The Owle hath fled. And *γλαῦξ ἵστα* for good lucke, The Owle being a token of victory to the *Athenians*. ^m *ἡ πῆσις τῆς γλαυκῆς οἴκῃς σύμβολον τοῖς Ἀθῆναίσις ἐνομίζετο*. They ever accounting it so since the warre at *Salamis*, where the *Greekes* seeing an Owle tooke courage and beat the *Barbarians*. *Appendix Vaticana*. ἐν Σαλαμῖνι ὅτε τῶν δειγμάτων παρήσαντες ἔβλυναν ἐνέκλιναν. Other madnesse of theirs was slee- ping in the ⁿ Temple of *Esculapius*, who were ill at ease, supposing the deity to giue, or shew them a remedy, ^o for which in gratulation they were wont to offer him a cock. If I mi take not. What shall I say of putting him to death who should cut downe an Oake or an Holme (so *Ilex* which in Greek is *πευκάδιον* may be taken, I thinke it an Holme) in the *Heron*; And punishing *Atarbes* capitally who being distra- cted

^a In Hipp. p. 6. ^b Vide eund. ^c In eund. ^d In eund. ^e In eund. ^f In eund. ^g In eund. ^h In eund. ⁱ In eund. ^j In eund. ^k In eund. ^l In eund. ^m In eund.

ⁿ Plin. Theop. p. 5. ^o In Ach. p. 370. & p. 424. ^p Plin. Att. p. 35. ^q In eund. ^r In eund. ^s In eund. ^t In eund. ^u In eund. ^v In eund. ^w In eund. ^x In eund. ^y In eund. ^z In eund.

^a Aristop. pp. 44. 66. T. 438. ^b Petronius.

^c In eund. ^d In eund. ^e In eund. ^f In eund. ^g In eund. ^h In eund. ⁱ In eund. ^j In eund. ^k In eund. ^l In eund. ^m In eund.

sted had slaine a sparrow sacred to *Esculapius*? Thus farre haue we gone. Let us proceed to their vaticinations or prophesyings. *Aeschylus* brings *Prometheus* on the stage, vaunting how first he taught men ^a *ὄρεσθαι πικρὸν ὠτανισκόν*. ^b *ἡ πατὴρ ὄντοπικόν*. All which were practised among the *Athenians*, as you may read in ^c *Xenophon*. *ὄρεσθαι πικρὸν*, the interpretation ^d *ἡ πατὴρ ὄντοπικόν*, is a resolution of those doubts which we conceaue of things offered to our fancie in sleepe, as that of *Hecuba* dreaming that she should bring forth a firebrand; and that of *Atossa* before the fall of her sonne *Xerxes*, whom shee saw striving to yoke the *Barbarian* and *Greeke* woman, one of which overthrew him. This the ancients termed *ἐνύπνιον*, *Aeschylus*, ascribing much to the truth of them, supposing them to be sent from a Deitie-- ^e *ὅτι δ' ὅταν ἐκ Διὸς ὄσιν*. ^f *Hom*. The skill in them is ^g *ἐξ ὀνειράτων ἂν καὶ παρ' ἡρώδου*, ^h *καλῶς τε διακρίτους (γινώσκουσιν)* to truly tell the event. Which was no small art, certaine bookes written of that subiect. ⁱ *ὅτι εἰσὶν ἑγγεσφοὶ πνεῖς τίχαι ὀνειροκρίται* as *Artemidorus* his ^j *Onirocritica*. *ὀτανισκόν*, Soothsaying by birds when such or such flie either before or behinde him, at the right or left hand, to shew what it doth prognosticate. ^k *Aeschylus*. *Γαμψο- νύχων τὲ πῆσιν ὠτανῶν σκεδρῶς Διόεισ' ὅτι πῆς δόξιοι εὔσιν*. ^l *Εὐδ- τυχοί τε, καὶ διαταρ ὠπνηα Εχέσ' ἔκαστοι, καὶ πῆς ἀλλήλους πῆς* ^m *ἔχθραι τὲ καὶ ὄντοπικα καὶ σωφεία*. It was formerly stiled ⁿ *ὀνειροκρίτη*, ἂν τε ἐκ διαγίγας πειζομυῶν ἀνθρώπων οἰήσει σμυῶν) which the minde doth suggest to the opinion. It is put for any divination in Greek writers, but most properly *ὀνειροσκοπικόν*, which ^o *Telegonus* is related to haue found according to *Nonnus*, but according to ^p *Plinie*, *Car*, whence it is called ^q *Caria*. *ἡ πατὴρ*, looking into the Liver or entrails, like the Latines *extispicium*, observing the colour of them, ^r *ὅτι εἰς πικρὸν* ^s *πικρὸν* ^t *ἐνυμφορίαν* as likewise the soundnesse, hence taken as a prodigie ^u *λοδὸς ἐκ ἔχον κατὰ λω*, in ^v *Plutarch*, the extremitie of the liver (like the outmost parts of the vine leafe, saies ^w *Id* ^x *Id* ^y *Id* ^z *Id* ^a *Id* ^b *Id* ^c *Id* ^d *Id* ^e *Id* ^f *Id* ^g *Id* ^h *Id* ⁱ *Id* ^j *Id* ^k *Id* ^l *Id* ^m *Id* ⁿ *Id* ^o *Id* ^p *Id* ^q *Id* ^r *Id* ^s *Id* ^t *Id* ^u *Id* ^v *Id* ^w *Id* ^x *Id* ^y *Id* ^z *Id* ^a *Id* ^b *Id* ^c *Id* ^d *Id* ^e *Id* ^f *Id* ^g *Id* ^h *Id* ⁱ *Id* ^j *Id* ^k *Id* ^l *Id* ^m *Id* ⁿ *Id* ^o *Id* ^p *Id* ^q *Id* ^r *Id* ^s *Id* ^t *Id* ^u *Id* ^v *Id* ^w *Id* ^x *Id* ^y *Id* ^z *Id* ^a *Id* ^b *Id* ^c *Id* ^d *Id* ^e *Id* ^f *Id* ^g *Id* ^h *Id* ⁱ *Id* ^j *Id* ^k *Id* ^l *Id* ^m *Id* ⁿ *Id* ^o *Id* ^p *Id* ^q *Id* ^r *Id* ^s *Id* ^t *Id* ^u *Id* ^v *Id* ^w *Id* ^x *Id* ^y *Id* ^z *Id* ^a *Id* ^b *Id* ^c *Id* ^d *Id* ^e *Id* ^f *Id* ^g *Id* ^h *Id* ⁱ *Id* ^j *Id* ^k *Id* ^l *Id* ^m *Id* ⁿ *Id* ^o *Id* ^p *Id* ^q *Id* ^r *Id* ^s *Id* ^t *Id* ^u *Id* ^v *Id* ^w *Id* ^x *Id* ^y *Id* ^z *Id* ^a *Id* ^b *Id* ^c *Id* ^d *Id* ^e *Id* ^f *Id* ^g *Id* ^h *Id* ⁱ *Id* ^j *Id* ^k *Id* ^l *Id* ^m *Id* ⁿ *Id* ^o *Id* ^p *Id* ^q *Id* ^r *Id* ^s *Id* ^t *Id* ^u *Id* ^v *Id* ^w *Id* ^x *Id* ^y *Id* ^z *Id* ^a *Id* ^b *Id* ^c *Id* ^d *Id* ^e *Id* ^f *Id* ^g *Id* ^h *Id* ⁱ *Id* ^j *Id* ^k *Id* ^l *Id* ^m *Id* ⁿ *Id* ^o *Id* ^p *Id* ^q *Id* ^r *Id* ^s *Id* ^t *Id* ^u *Id* ^v *Id* ^w *Id* ^x *Id* ^y *Id* ^z *Id* ^a *Id* ^b *Id* ^c *Id* ^d *Id* ^e *Id* ^f *Id* ^g *Id* ^h *Id* ⁱ *Id* ^j *Id* ^k *Id* ^l *Id* ^m *Id* ⁿ *Id* ^o *Id* ^p *Id* ^q *Id* ^r *Id* ^s *Id* ^t *Id* ^u *Id* ^v *Id* ^w 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Ovid, casumq; caput reperitur in extis. Θυπιδν, in marking the flame of the sacrifice burnt, *ἡ φλογὸς σήματα*, the Tragædian calls them, by which they could foretell events. More doubtlesse had they waies of witchcraft, as the other Greeks. *Εὐδοῖον*, as when one shall meet you carrying such or such things, then this shall befall you, *Æschylus* termes them *εὐδοῖος συμβόλος* *Sch. τοῦ ἐξ ἐπιτυχίας*. See *Scaliger* in *Tibullum*, on these words *Puer à triviiis*. The Scholiast of *Ἀριστοφάνης* on *Ξύμφορον ἄρτιον*. They made, quoth hee, whom they met first as it were tokens of good hap. Whence it may be came up the salutation which *Sophocles* calls *εὐφήμη σίμα θεοῦτιδῶ*, wishing luck, as *χαῖρε* among the Greeks, and the Latines *Estobonus avibus visus* &c. *Σύμβολον* is put likewise for sneezing, or the conjecturing at them. *Sternutamentum* being accounted a Deitie by the Romans, but sacred to *Ceres*, as the Greeks, whence proceeded that *Ζήσεας*, which wee imitate in our *God help you*, as often as we see any man so purging his head. Which not to have proceeded from any deadly disease, is sufficiently evinced by *Casaubon* on *Athenæus*. *Οἰχοσκοπτικόν*, at the sight of a Moule, Serpent, Cat, or the like in the house, or when the oyle cruse is dry, honey, wine, water is spent, to guesse at future things. Of this *Xenocrates* wrote. *Χειροσκοπτικόν*, Palmistrie, when by the length of the hand, or lines of the table, they can judge of freeness in housekeeping, of marriage & posterity, of which *Helenus* once left a monument. *Πημιστικόν*, gathered out of the shaking of the parts of the body as the shoulder, thigh, or right eye, in which kinde *Ποσειδώνιος* was an author exposed to the world. *Εγγραμμιστία*, as that wherein the *Witch of Endor* was experienced, out of the lower parts of whose belly the Divell spake. The first that practised this among the *Athenians* was *Eurycles*, hence they who are possessed with this spirit of prophesying are called *Εὐρυκλῆς*. *Euryclite* as the *Schol.* of *Aristoph.* who calls this art *ἡ τοῦ οὐχέως μαρτεία*, the divining of *Eurycles*. *Νεκρομαντεία*, where after solemn sacrifices they were wont to call up the

foules

foules of the deceased, demanding of them what afterward should befall. As *Wierns*. And no wonder, for they held the spirits of their parents and kindred for Gods, *quibus sacrificabant* (saies *Bodin*) & *ad quorum sepulchra comedebant*, in quos *scriptura* invehens ac detestans, inquit, & comederunt sacrificia mortuorum, to which they sacrificed, and at whole sepulchers they fed, against whom the Scripture inveighing & detesting speaketh, *And they ate the oblations of the dead*. Of this *Aristophanes* makes mention, & *Homer* in his *Odysses*. This is that which most properly is called *γυνεῖα* from *γῆ* lamentation, by *Wierns* termed *diræ execrationes*, for with great mourning they invoked *κακοποιὲς δαίμονας*, wicked Gods for the accomplishment of their divelish designs. It may most fitly have the name of *Nigra Magia*, for so the *Wizards* divide them into the black and white Magick. *Μαγεία*, from whence the word Magick is derived seemes to have beene found by the *Medes & Persians*, whole Priests were called *Magi*, great Philosophers as *Laertius* is witness. This is supposed to be the good Magick. *Ἐπιχρησὶς δὲ δαιμόνων ἀγαθοποιῶν*, *οἷς ἀγαθὸν πνέουσαν φαρμακεία*, is a giving of *philtum*, a medicine for the procurement of love, or rather enraging of lust, by bewitching something and giving it to be eaten; which to have power over swine is credibly reported. *Κοσκινομαντεία* Tricks with a paire of sheeres and siue, of which *Theocritus*. *Ἀξινουμαντεία* To take counsell of an hatchet, taking it & laying it on a peece of timber flatwaies, which did the feat by turning round. Like to which is that naughty use of a key and Bible. *Ἀσκαρμαντεία* by the casting of the dice to aske the number of wives, children, farmes, &c. which answered to the quantitie of the chance. *Ἰαλριμαντεία & Ἀλδριμαντεία*, done by corne, by taking the letters of the name, as when two were to fight, and by the value of them to iudge the conquest. As they said of *Hectors* being overcome by *Achilles*. *Οφιδουμαντεία*, making a circle they divided it into foure and twenty parts,

G 2

and

f. Æsch. loco citato.

aln Aug. p. 74

b In Oed. Tragicorum.
c Ovid. Fast.f Sch. Aristop.
loco citato.

e Nonnus in Naz.

f Nonnus.

g In Vesp.
p. 501.
h In p. 502.De Magis
Inf. l. 2. c. 11.
d Demonomania
l. 2. c. 3In Avib. p
613. a.

m Lib. A.

a Nonn in
Naz.

b Vide Bodin.

c Vide Non.
d In Proem.
e Nonnus.

f Vide Odyt

g Vide Theo-
crit. in Phar.
h Delio Dis-
qui Mag. l. 4.
c. 2 p. 5. sec. 7

and on each part made a letter, and putting wheat upon the letters they brought in a Cock, and observing from what letters he took up the graine, they at last ioyned them together, and so knew their successors, husbands, &c. Στοιχειομαντεία, opening a book of *Homer* and by the first verse that they lighted upon to divine, as that of the death of *Socrates*, who foretold it, meeting with that verse of *Homer*, which speaks of the arrivall of *Achilles* within three dayes at *Thesfaly*.¹ *Et quoniam poemata pro vaticiniis, &c.* and because poems were accounted prophecies, as Poets prophets, they were most busie in them. Hence in publique causes had the Romans recourse to the *Sibylline Oracles*, & the private Grecians to the verses of *Homer*. And that *Sors* was put for the writing of Oracles, is manifest out of the words *Sortes Delphica*, for fore-telling or divination. ^a I know the three Priest of *Apollo* being inspired with a kinde of holy fury spake to those who asked counsaile. Whence the word ^bμανικὴ at this time read for Soothsaying, was anciently called ^cμανικὴ madness. And yet that their cunning men had a kinde of lottery, is as cleere as day, the ^eScholias of *Euripides* testifying; done it seemes in matters of questiō, so κλῆρον ἔχοντες may intimate as much as to undergoe triall. Predictions there were, ^dsaith *Enstath*, out of signes and wonders, as also of the noise that leaves make when they are burned. To which some adde ^eαερομαντεία or divination by the ayre, quoting for it *Aristophanes* in *Nubibus*, which I now remember not.

CAP. VII.

De Templis & Asyliis.

Their Churches were of two sorts; sacred to their Gods in Greek, *ναὶ*, or *ιερά*. And sacred to their Demi-gods most properly *συκαί*. But the word is promiscuously used by the Tragedians. *Clemens Alexandrinus* is of opinion that the first

^aWien. de Ma.
^bInf. l. 2. c.
13.

^aVide Sch.
Arist. in Plut.
^bAristid. T. 3.
p. 25.

^cIn Hippol.
p. 580.

^dIn Il. a. p. 36.

first originall of their Temples was the erecting of an edifice to the honour of the deceased. ^eναὶ καὶ ἐν τῇμας ὀνομαζομένης, ^eVide p. 21. πόρος ὃ θουομένης, τυτίσι καὶ πόρος ναὶς ὀνομαζομένης. *Cecrops* buried in the *Acropolis*, *Eriethonius* in the Temple of *Minerva Polius*, the daughters of *Celeus* in *Eleusis*, &c. They were divided into two parts, the sacred and prophane, this called ^fἔξω αἰετῶν, the other ^fἐντὶ. ^f*Casaubon* tells us that ^fαἰετῶν ^fIn Theop. Charact. ^fπείον was that holy water set at the dore of the Temple, with which everyone that entered into the Temple besprinkled himselfe, or was besprinkled by those that sacrificed; of which in the next Chapter. But others haue written that it stood at the entrance of the *Adytum*, into which it was not lawfull for any but the Priests to come. The ^gSchol. of *Sophocles* thus describes the Church. ^gΝαὶς, quoth hee, is the place ^gIn Oed. I. γ. ^gtanum, where the Altar stands. ^hΒωμὴς, the Altar on which they offered their oblations, ^hΤέλειον, where they placed the Idol which they worshipped; in ancient time a rude table or stock, ⁱσκαίς ⁱProtreptico P. 23. *Clemens Alexandrinus* calls it, as that of *Iuno Samia*, afterward made in the magistracie of *Procles* to be a statue. At first named ^jῥόα, ^jδιὰ τὸ ἀποξείδαι τὸ ὕλιν, from the shaving of it; ^jIdem. but when art began to bee so expert as to make it resemble a man, they termed it ^kβρέτας, from ^kβροτὸς ^kmortalis, whose shape it bare. At the setting up thereof they used these ceremonies: That a woman neatly trimmed and deckt in a purple vesture, should bring on her head a pot of sodden pulse, as beanes, pease, and the like, which they sacrificed in thankfulness for their first food, ^lἐν τῇμας ἀπνέμοντες τὴν πρώτην διαίτην. For ^lSchol. Arist. P. 115. as much as I conceale out of *Pollux*, they prayed not where this was consecrated, or did divine honours, but in the ^mιερόν or ^mναὶς, the body of the Church, framing, as may bee gathered, their gesture towards it. ⁿἈυτὰ ὃ ἀπὸ τοῦ ναοῦ, ἀρχαία, ἔξω ⁿLib. 1. c. 1. ⁿαυτῶν θεῶν, &c. Furthermore belonging to their Temples ^oτμ. ^othere was a kinde of Veltry, in Greek ^oἀρχαία by some translated ^osumum templum, as if it were at the upper end. This seemes to haue beene a Treasure both for the Church, and

^a Lærtius in
vita. p. 122.
vide ad eum
locum Cal.

any soever, who fearing the security of his wealth would commit it to the custody of the Priest, as ^c *Xenophon* is reported to have done at the Temple of *Diana* in *Ephesus*. *Martial* points at this when he saies,

Templi vel arcano demens spoliaverat auro.

So reverently did they esteeme of these houses of their Gods, that to doe those offices of nature, I meane venting of excrements too shamelessly scene among us, in the Church-yards, as I may call them, was an abomination; punished severely by *Pisistratus*. For when he had taken tribute of all that the *At-tick* ground had brought forth, they so hated him for that taxation as they made the *πελοεζαμια* of the Temple of *Apollo Py-thius* a larks; which although forbidden never was redressed. And yet so secretly was it done, that he could apprehend none faue at last one stranger, whom hee caused to bee whipt, with this proclamation, THAT BECAUSE HEE CONTEMNED THE EDICT HE SHOULD DIE. Hence to a man that soundly smarted for his wickednesse, they were wont proverbially to say, *Hee had better haue eased himselfe in the Py-thium*, or if there were more, in the plurall number. *κρείττον βῶν ὅπῃς ἐν τῷ Πυθίῳ σκοπαῖται*. Nay so honourable held they these Churches that to them they granted priuiledge of *San-ctuary*, to which who should fly, might not from thence bee drawne out under a trespassse upon religion. Of this kinde was the Temple of *Minerva*, and *Theseus*, the Altars of the *Eumenides*, and *Mercy*, ^a whose image they would not haue erected any where in their City, although in the midst thereof shee had a Groue. ^b The first *Aylum* among the Heathens is held to haue beene in *Athens*, built by the *He-raclide*.

CAP.

^a Vid Rosin.
^b Polyd. Virg.
in Eurip. they
are presented
setting neere
the Altar. T.
p. 472.

CAP. VIII.

De Sacerdotiis.

OF holy orders among them I conceaue to haue been di-
uers sorts, *Παράσιτοι*, *Parasiti*, a word had in latter times
in great dirision, exagitated almost in every Comœdie, put for
a shark or sinel. feast, ^c *Edax Parasitus*. But held once in good
esteeme. For when they had set aside such a parcell of land as
they thought the renewes thereof would suffice for the sa-
crifices of such and such Gods, they chose certaine men who
should receaue or gather the harvest. *Crates*, *ὁ ἐπὶ τῷ τῷ ἱερῷ*
ἐτε ἐκλογὴν εἰρέωνος. With the incomes of this were the char-
ges of those publique sacrifices defraied. Hence *περίδοα* *με-
γάλα* *Introitus magni*, great yearely substance, is used for great
sacrifice in ^e *Aristophanes*. Scholiast. *ἔτω ὃ ἐλεγον τὰς περιδο-
μῶναι τοῖς θεοῖς θυσίαι. Κήρυκας. Ceryces*, the same signifies a
crier, but in sacred functions a Minister, who slew and offered
the victim. ^f *Anthenio* the Comœdian ascribes much honour
to them, as if they had first taught men to seeth victuals, the
flesh of sheep and oxen, while before they deuoured each o-
ther raw. They take their name from *ῥ Ceryx* the sonne of
Mercury and *Pandrosus*. But ^h *Casaubon*, *ἐπὶ τῷ κρείττονι*. *A*
præstantiore partem numeris quod obibant, sic dicti. Idem namq,
ἔχοντας μακταbant, adolebant ἄ, &c. They in the time of di-
vine rites craved the silence of the people in these words,
ⁱ *Εὐσημεῖτε. Σιγὰ πᾶς ἔτω λαός*. Be whist all yee people. Good
words, for so *εὐσημεῖν* signifies, as well as to say nought, which
Horace fitly interprets when he saies, *Aule ominatis Parcite*
verbis. When sacrifice was ended they dismissed the con-
gregation with these words *λαὸν ἀφ-ης*. To which custome
he unfitly looked who deriue the Masse from *Missa est, ite*,
better fetcht in my minde by ^a *Wechelius* from *Massachus* the
Hebrew which auailles as much as to praise, *Μυσαγοροί*, the
same

^c Terent.

^d Sc un. Att.
Dialect. apud
Athen. p. 235

^e Avib. p. 581

^f Apud Ath.
l. 14. p. 661.

^g Vide Salm.
in Inscripti.
Pollucem. l. 8
^h In Athen.
lib. 15. c. 23.

ⁱ Casaub. in
Theophrast.
p. 321.

^a In lib. quem
script de Sa-
crament.

same with ^b *ἱεροφάντης*, who initiated them who desired to be admitted into the society of the superstitiously zealous (who after they were entered, were not under a yeare compleat, permitted to see their Bible) ^c *Schol. Naz. ἱεροφάντης* ἄρα τὸ ἱεροφάντης. *Hierophanta* so called from *ἱερός* ἅγιος, opening the holy things. *Εἰσι δὲ οἱ ἱεροφάνται*. ^d The learned Bishop, upon that place of *Nazianzen*, notes that *Moses* among the *Israelites* was an *Hierophanta*, shewing unto them what they were to do in those sacred businesses. *Πυρρόροισι*, they who lighted the fire of the Altar, whose office made them safe in warre and danger. Hence of bloody fight we say *ἡ πυρρόροισι*, *Ne ignifer quidem*, there escaped not he that served at the Altar. *ἱεροπλοῖ*. The Priests in the *Great Mysteries*, tenne in number. *Νεωαῖροι* whom ^e *Nicander* calls *ζῆγοροι* from *ζῆγος* τὸ καθαγιάζειν, to be decent, because they kept the Temples cleane, and swept them as *Ion* in ^f *Euripides* speaks. These were the *ναοφύλακες*, whose charge it was to preserve that which was found in the Church, and to see that repaired which went to ruine, saies ^h *Aristotle*. And yet we read that the *Parasiti* did sometime look to the mending of it. There being a law enacted that what they laid out should be restored againe. *ἱεροφάνται* in ⁱ *Aristophanes* likewise termed *προεπλοῖ*. These are the Priests ever waiting on the Gods, ^k whose prayers the ancient required at their sacrifices; out of which they had a fee, ^l the trotters and skinnies, as the ^m *Ceryces* the tongues. And indeed there was no necessity, For there being tables in their Temples, as *Cassanbon* teaches us, whereon they might lay their oblations, (& perhaps sometimes depart) of which the Priest according to his stomach did share. Well known to ⁿ *Aristop.* who relates the like of the Priest of *Esculapium*. It was requisite to this function that they who undertook it should be found both winde and limb, they being asked *ἐν ἀφελείῃ* before their creation, whether they were whole in every member: which ceremonie to have beene used among holy orders of latter daies is well knowne, their neighbours

neighbours wives bearing record, saies ^a *Christianus*, that ^b in *Aristoph.* they have not taken into their societies *quid mutilum*. There were moreover these Priests as the *Βασιλῆα*, in *Demosthenes*, ^b *Antiq. L. 2.* and the *καίνοβες* whom in all things ^b *Dionysius Halicarnas-* ^{n. 3.} *seus* compared to the vestall Nunnes.

CAP. IX.

De Sacrificiis.

THE father of Philosophie is of opinion that Sacrifices first began after the ancients had ended their harvest. For then being free from care, they found time for mirth and iollitie. In which they offered their first fruits called *ἀπαρχαί*, from whence *ἀπαρχαί* is read generally to doe any sacrifice. Neither doth *ἀκροθίνια* import lesse. For ^c *διν* signifies the ^e *Vide schol.* bend, or great chest of the garnet, wherein they laid up the ^e *Eur. in Phœn.* harvest threshed and winnowed; *ἀκρον*, the first or beginning, as ^{p. 291.} if when they began to treasure up their store, they first of all liberally paid some devotion to their Gods. The *Assick* oblations, even to *Draco*, were nothing else but the earths beneficence, but before *Solons* age, burnt offering; who willed in his lawes, that they should be *ἐκλεκτά ἱερῆα*, chosen and selected ^d *Plut. p. 65.* sacrifices. The rites performed in them were not different ^{l. 26. they called their lease from those in the daies of *Homer*, but somewhat reformed. It behoved them that would take in hand these holy things to ^e *sacrifices ἕως* purifie themselves some certaine daies before, ^e *κατὰ τὴν ἡμέραν* ^{ov. hornes *ἡμερῶν ἀειδμῶν*, the number of them is not set downe. I take ^e *baire, as if* *ἀκροθίνια* here to abstaine from carnall delights, *Tibull. - Disce* ^e *naught else,* *disc ab aris Quos tulit hesternæ gaudia nocte Venus*) To which ^e *Ant. p. 584.* purpose *Theano* being asked when it might be lawfull for a ^e *Demosth.* woman, from the company of a man to goe to sacrifice; answered, from her owne at any time, but a stranger never. Being thus prepared they came and stood round the Altar, having with them a basket in which was the knife hid (covered with}}

f In pace. p. 694.
 * *Il. a. with*
these ἑλοχύ-
τως the greek
ever beganne
sacrifice, the
Romans Ear.
Dionys. Halic
l. 2. n. 4.
 b *Loco laud.*
 i *Athen. l. 9.*
 p. 409.
 a *Sophocles*
Oed. Tyr.
 b *Aristoph. p.*
 c *Il. a. d. a.*
 d *Il. a. d. a.*
 * *Mneid.*
 e *In Stel.*
 f *Eustath. p.*
 101. l. a.
 g *Loco laud.*

with flower and salt, in *Aristophanes* ἑλοχύ, in *Homer* ἑλοχύ) with which they cut the throat of the *viſtime*. Then they purified the Altar going about it with the right hand towards it. *Aristophanes*. Περιῖθι τὸ βωμὸν ταχέως ὅπῃ δόξιδά. This lustration was made with meale & holy water sprinkled thereon. This water is called *ἑρνι* in which they quenched a firebrand taken from the Altar; with which they bedewed the standers by, accounting it a kinde of cleansing. (Hence *ἑρνι* was forbidden him whom they took for a polluted and forlorne rogue.) Then they cast some of the flower on them. And having thus expiated, they cried out *τίς τῆδε;* Who is here, to which they made reply, Πολλοὶ καὶ κακοί. Many and good. Then they praised. *Homer*. Εξείης ἐσθισαν εὐδμυτον καὶ βωμὸν. Χερσὶ φάρτο δ' ἔπειτα, καὶ ἑλοχύτας αἰέλοντο, τοῖσιν δ' ἑρσὺς μεγάλη δ' ἔχετο χεῖρας ἀνασχόν. Among the latter they spake with a loud voice *εὐχόμεθα*, before they began. *Let us pray*. Supplications ended they drew the viſtime so as (if it were to the Gods above) the head might looke upwards, which *Homer*, αὐτὸ ἐρύειν. *Eust.* εἰ μὴ τοῖς ἀνω ἔρουν, ἀνακλῶν τὸ πρὸς ἱερὸν πρῶτον, ὥς ἀπορῶν, ὥς οἱς τὸ ἑρσύνον. If it were to the *Heroes* or *Demi-gods*, with his throat downewards. Then they slew him & skinned him, & cutting out the * huck shin-bones and hanch, they covered them with fat, which is called *κρίων* (hence the Gods of the heathen are deciphered by *Ναζιανζεν*, κρίων χαίροντες, reioycing in the fat) to the ende that they might burne all out in a great flame. *ἑ* ὡς δὲ ἀπορῶν ὀλοκαυτωθῶναι τὸ μὲν λαμπρῶ καταφλεχθόντας πνεῖ. For the Grecians accounted it unluckie if it did not so consume, and thought that it was not *καμίσημα*: upon the *μῆρ* they cast small peeces of flesh cut from every part of the beast, beginning with the shoulder (which is in Greek *ἄμω*) hence this is called *ᾠωδισμὸν*. The reason *Eustathius* gives, ὥς δὲ καὶ τὸ πρὸς αἰσῶν, ἔλα ἔτω τὰ μέρη τῶ ἱερῶν καρπῶν, that they might seeme to consume all, which the *Athenians* did not, being commanded by law to carry some of the sacrifice home. By reason

reason of which iniunction, they did so straine curtesy of their Gods, that the illiberall or niggardly sort of people would sell that which was left, and so make gaine of their devotion. *b* *Th. Charac.*
καὶ ἱερὸν πρὸς τῷ ἑρῶν τὸ κρέα ἀπορῶναι saies *Theophrastus*, καὶ *Arend-*
 Where *Casaubon* notes. *Coxam fere offerebant, aut intestina,* *ἑας.*
aut aliud non magna recipere. They offered the hanch bone or the entrals, or somewhat of no great worth. Where by entrals you are to understand the spleene, the liver, and the heart, which *Homer* calls *πατάγχα*, for though the word bee taken for the bowels, yet it signifies the heart too, in which sense we say *ἀπαλάχνη* *αἰὴρ*, a pusillanimous man, & *εὐπαλάχνη* a couragious, as the * *Scholiast* of *Sophocles* teaches us, & *ἑ* *In Alacem*
 so *πατάγχα* *ἐλπίς* the bowels of compassion. These the ancients did divide among them at sacrifice to feed on, and afterwards cut out the rest to roſt. For when they had finished their devotions, they let the reynes loose to all manner of voluptuousnesse, gluttony, and drunkennesse. For oft times they left nothing of their sacrifice, especially when they offered to *Vesta*, whence the proverb, *εἰς τὰ θύειν*, is to eat up all, like the Roman *Lari* sacrifice. To say that publicly they begun to *Vesta* were more then I could well proue; but that they did so is plaine. In their houses they had Altars, and so I supposed once *Λοῦ* *Εἰς αὐτὸν ὀρχαδαι* to be taken, but this was done in *Libamini*bus, in their drink offerings, as he on *Aristophanes*. As *b* *Vide p. 582.*
 for their meat offerings it was required that they should bee sound and without blemish, whether it were an ox, sheep, *c* *Vide Pollu-*
 goat, swine, calfe: to sacrifice they simply termed *ἑρδεν* which *cem. l. 1.*
 our Latines haue interpreted fitly, *Facere*. *d* *Virgil, cum faciam* *d* *In Bucolicis*
vitula. Whole poverty was so great that hee could not afford a sheep, or the like, they thought the Gods would bee well pleased if he offered *Molas*, which the Greckes call *ἑ* *Δολή* *c* *Casaub. in*
ματ meale, which by the richer was mingled with oyle and *Theop. p. 2; 7*
 wine, as the *f* *Scholiast* of *Aristoph.* The more wealthie in- *f* *Pag. 701. D*
 ſteed of this did cast frankincense on the Altars. For the sacrifices of *Pallas* the tithes were set a part, as *Demosthenes*. In *g* *Pag. 378.*

Schol. Arist.
p. 304.

their oblations the μάγειροι or cookes gaue the ^h 10 part to the Prytanes. So ἀδικατῶν κοιλία, put for ὑσία where the Gods cannot haue their allowance. Schol. Aristop. on ἀδικατῶν ἡ θεῶν ἰερός ἔχοντα κοιλία. Εἶδος δ' ἔχον τὰς δικάτας ἡ βουλή των πῶς Πρυτάνων ἢ μάγειροι δίδουσι. δὲν δ' εἰπὼν ἀδικατῶν ἔχοντα ὑσία, &c.

CAP. X.

De Anno Attico.

THE ancient Greek yeare consisted of three hundred & sixtie daies, each moneth consisting of thirtie. Rude antiquity ignorant of celestiaall contemplations, deeming the Moone to finish her course in that space. Which according to ^a Petavius seemes false. *Lunaris enim non fuit, sed eius menses tricenis diebus constabant singuli.* By which reckoning, had they not used intercalations, they had soone found a maine difference in the times, when they ought to haue celebrated their festivals. They made therefore a *Tetracteteris*, in which when they found leaven daies deficient, they supplied them by adding * 2 to every end of the yeare, called ἀσχαί ἡμέραι, ^b *cō quod per illud biduum Athena Magistratibus carebant.* Because for thole two daies Athens was without Magistrates. But the last of these foure had but 359 daies, besides the two ὑπεβάλλουσαι, in respect to the Olympick games, ever kept in the Olympick games, ever kept in the * full moone, which could not haue happened, had they not began the *Tetracteteris* with a new Moone. Neverthelessse the Sunne and Moone appearing 14 daies oddes in a *Tetracteteris*, they made every eighth yeare an interiection of one Moneth, that this time being ended, the course might still returne the same. This all Greece observed, saies Petavius, by the Athenians termed μυσήεια, by the people of Etia an *Olympiad*. What kinde of Lunary yeare was in use among the Grandfires of Greece, is not

^a De Doct.
Temp. l. 1. c. 1.

^c Negat Petavius Miscel. l. 8. p. 192. Petav. estimat.
^d M. Selden. in Apparatu Græco Epoch Chro.
^e id est, The fifteenth day
^f De D. Tem. l. 1. p. 4.

not truly known; by ^a Petitus delivered to be of D: 347. even 4 Elog. Chr. ry Month 29 D: except one, which like our February had but 28 D: Every two yeares one Moneth was inserted, once of 29 D: another time of 28 D: But because in two yeares this doct. Temp. * *magnus annus* surpassed the Moone 15 D: itaq, *Tetracteterida fecerunt.* This consisted of 1445 D: 723. & 722. make 1445. So many daies 354. foure times doubled hath, if you please to adjoyne 29. Of this sort of calculation doth hee understand ^f *Geminus*. Τὸς μὲν αὖτε περικαλλέστερος ἦεν, καὶ ὁ ἡμερολόγιος παρ' ἐνναυτίων. That must be fitly understood, quoth hee, for they did number the Moneths as if they were 30 D: when notwithstand- ^e *ing they had but 29.* ^f Petavius is otherwise conceited, who takes the Scholiast of *Aristophanes* in that sense, as meaning 29 D: full ones, when indeed exactly taken according to ^g *Geminus* you may account 29. ^h *Ulpian*, εἰροσενεῖα καὶ ἡμερον 29. And yet are we not destitute of authority, that a Moneth was supposed 29 D. ^k *Theon*. Μῶν δ' ἀέρον, πὴν δὲ σωθὲς Σηλιῶν καὶ ἡλίου χρόνον ἐπὶ σωθὲς, ὅς ἐστιν ἡμερῶν καὶ 29. But that the fragments were left out, the words are plaine, ^l *Επὶ δ' ἡμῶν πύκτων σωθὲς ἡμέραν ἀλείψι, τὴν δὲ νυκτὶς καὶ ἡμέρας χρόνον. τὴν δὲ πύκτων ἡμέραν πύκτων καὶ ἡμῶν πύκτων ἡμέραν διαχωρῶν καὶ νύκτων πύκτων πολλοὶ δ' ἐκλήων.* He meanes a day the space of a night and a day, for according to such Moneths ^a *Geminus* p. 38. *Whom I quest among many of the Greekes.* But of this enough. Soone was the *Tetracteteris* found faultie; therefore was made a *Kaland* of eight yeares, in which doubling eight times the difference of the Sunne, to wit, 11 D: ¹ made up three Months, the first that inserted every third, fift, and eighth yeare. But the scruples ^e of 19. comming short in sixteene yeares 3 D: they intercalated years. Hence three. And seeing still they could not make it even. ^a *Eucle-* ^f *mon* and *Philippus* made an Almanack for nineteene yeares, ^g *which by Callippus* was produced to 76. Moneths 940. of ^h the m 28. ⁱ *ἐμβόλιμοι*, ἢ δ' ἄρα ἡμερολόγιον ὁμοίως ἐχρήσατο, ^j *saies Geminus.* This was the progresse of their reformation. ^k *But*

^a Argum. Or.
Dem. contra
Androt. pag.
380.

^b Elemen. A
th. nom. p. 31

^c Macrob. l. 1.
Sat. 3. Plin.
nat. hist. l. 2.
c. 77.

^d In Thesiac.

^e Lib. 4. Ep. 8.

^f In Il. ad 2.

^g Cat. Aub. in
Athen. p. 931.

^h Chronol.

ⁱ Eclog.

^j In 4^o num.

^k 24. p. 264.

times 35, which space each ^a *στυγνία* ruled in its turne, the
four that abounded were called *ἀρχαιρέσιαι*, in which they
chose Magistrates, being for that time destitute of them. The
yeare thus disposed, the Moneths must of necessity be *πῆρες* &
κοῖλοι *καὶ* *πλεῖς*, as ^b *Geminus*. *Οἱ δὲ πῆρες πῶς πεπιπλῶ ἀγ-
γῶ δλοχερῆσεν λαμβανόμενοι μῶναις χεῖνοι εἰσὶν ἡμερῶν πθ
ζ, ὅτε δὲ δῆμιον γίγνεται ἡμερῶν 19. ὅθεν διὰ ταύτων πῶς αἴτιον δι
καὶ ἀ πόλιν μῶναις ἀλλὰ ἀγνῶν πῆρες & κοῖλοι. διὰ τὸ πῶς Σε
λιώων δῆμιον ἡμερῶν 19. If a Moneth haue 29 D: 1, two
haue 59. Because there fore the two halves might bee made
one whole, they so ordered it that now it should bee 29 D.
then 30 D: The *Athenians* counted their day from the setting
of the sun on this day, untill the going downe of the next. In
respect to which ^d *Nicanor* may be thought to say of noone
sleep, -- *ἀκράτωρ δὲ δειν*. To take rest at the beginning of the
even. I knowe that the ancients wrought but six houres in the
day. ^e *Martial*, *sexta quies lassis septima finis erit*. Which
^f *Enstath* affirms in his Commentary on *Homer*. And there-
fore Z. H. Θ. I were the notes of the 7. 8. 9. 10. houres, which
ioyned unake Ζῆθ, as if they should haue said to the Laborers,
Rest. The beginning of the yeare was *8 Hecatombaon*, *Iuly*,
the eight, saies ^h *Petius*. They ever accounting that to be the
first Moneth. In which order I haue found them set downe
in a ⁱ Manuscript in our publike Library, only *Μαμακτεριον*
is to be put aboue *Pyaneption*.*

Roman.	Macedon.	Hebrew.	Egypt.	Hellen.	Athenian.
Ιανυάειος.	Λιγύριος.	Σάβαρ.	Τυβί.	Λυγιάος.	Ἐκαμβασίων.
Φαρναίειος.	Ἰδρυχός.	Ἰδρυ.	Μαχαίρ.	Περγίος.	Μεταγελνίων.
Μάρτιος.	Ιχθύος.	Μεσαύ.	Φαυρώθ.	Δύρος.	Βονδρομίων.
Ἀπρίλιος.	Κεῖος.	Ιδύ.	Φαρυθί.	Ζανθικός.	Πυανέσιον.
Μάιος.	Ταύρος.	Ψεδονά.	Παών.	Αρτεμῖος.	Μαμακτεριών.
Ιούνιος.	Δίδυμος.	Θαμνί.	Παυνί.	Δάσιος.	Ποσιδών.
Ιούλιος.	Καρῖνος.	Αβ.	Επρί.	Πάσιος.	Γαμηλιών.
Αύγουστος.	Λέων.	Βίλ.	Μεσού.	Λῶος.	Αγροσεριών.

ΣΙΤ

Σελήμειος.	Παρθένος.	Θισί.	Θυσία.	Γορπῶος.	Ελαφρολιών.
Οκτώβειος.	Ζυγός.	Μυρσάν.	Φασί.	Ταφβερελιών.	Μεθυχίων.
Νοέμβειος.	Σκορπίος.	Χαλιβ.	Αδυεί.	Δίος.	Θαρρηλιών.
Δεκέμβειος.	Τόξος.	Τίβη.	Χοίε.	Απολλεί.	Σαύροφειών.

In which table although *Hecatombaon* bee compared to the
Julian Moneth *Ianuary*, yet it appeares not that *Hecatombaon*
was ever so removed out of his place, as ^a *Petius* will haue ^d *Eclog. Chr.*
it, *Epiphanius* contradicting, of which by and by. Indeed whe ^e *P. 14.*
the Christians in honour of their Easter began the yeare in
April, they called April *Hecatombaon*, as ^b he himsele testi- ^f *Loco laud.*
fies. But that *Hecatombaon* was alwaies the first Moneth is
not probable. For when the *Athenians* under the dominion
of *Alexander* the Great's successors changed the head of the
yeare from *Iuly* to the seaventh of *October* it is like that they
began at *Mamakterion* according to this ^c rule,

^c Ex MS. Bib-
lioth. B. Hera-
n. in 80. n. S.

Μαμακτεριών.

Ποσιδών.

Γαμηλιών.

Αγροσεριών.

Ελαφρολιών.

Μεθυχίων.

Θαρρηλιών.

Σαύροφειών.

Ἐκαμβασίων.

Μεταγελνίων.

Βονδρομίων.

Πυανέσιον.

^d Certaine it is that the same *Attick* Moneths are sometimes ^d *Vide Petav.*
Lunary, and sometimes not, but of 30 D: or *Julian*. When ^e *in Ep. phan.*
they are Lunary they haue no sure feat, but are now at this ^f *P. 13.*
time, then at another. And this hath been the reason why the
same Moneths haue not beene fited to the *Julian*, by writers.

I

Ulpian

e Pag. 21.
f Pag. 163.
g In Olynth. 3
h Pag. 148.
i Pag. 140.
k Pag. 167.
l Pag. 120.
m Pag. 167.
n Eclog. Chr.
l. i. c. 6. p. 213
o Vide Petav.
in Epiphani.

Ulpian on Demosthenes parallels Hecatombæon to e January, & in the Oration for Ctesiphon, to March, and againe to f April. g March he calles Boedromion, which also he interprets h June. Elaphebolion i November, k September (in the margin February) and l December. m Thargelion, April. Munychion January. Scirophorion, March. Which errors are cursorily noted by n Petit in part, to no great satisfaction. But when by the decree of Augustus Cesar they were charged to conform their yeare to the Julian, they o thus numbred.

Menses Attici. Menses Iuliani

Ελαφβολιών.	March.
Μυνυχών.	April.
Θαρίλλιών.	May.
Σκίρφορειών.	June.
Εκατομβαιών.	July.
Μετασειρτιών.	August.
Βοηδρομιών.	September.
Μαιμακταιών.	October.
Πυανεσιών.	November.
Ποσειδεών.	December.
Γαμηλιών.	January.
Ανδισιαιών.	February.

But of this, so much only. Wee must handle their Lunarie yeare because according to them were their feasts kept. From whence sometimes they would count, as a ποσὶν ἡ δὲ οὐκ ἀγνοῦσιν. So much and as long since the Bacchanals; speaking of the age of a girle. For a more compendious way of comprehending their holy daies view this Almanack.

Hecatombæon. Iuly.

- 1 Πρώτη ἱεραμεύε. Πρυτανεία δεξίτη.
- 2 Τεῖτη.
- 3 Τετάρτη.
- 4 Πέμπτη.

5 Εκτῇ

5 Εκτῇ.

6 Εβδομή. * καὶ δὲ Θησίου εἰς Ἀθῶνα. Kept in memory of

7 * Οὐδῇ. the returne of Theseus out of Crete, after he had

8 Ενάτη. slayne the Minotaur. b Plutarch. The solemn-

9 Δεκάτη. tie c Ovid seemes to describe: Nullus Erechthidis

fertur celebratior illo Illuxisse dies, &c. the eight

day of every Month was sacred to him. He had

also a festivall called Theseia, in honour of gathe-

ring together the dispersed people of Attica.

10 αὐτῇ μὲν ἔστι.

11 ἀδελφῇ. Κυρία Ἐκκλησία. a.

12 Τεῖτη. Κυρία. Of these, as also of the day, speaks

13 Τετάρτη. d Demosthenes. Then did the Matters wait on

14 πέμπτη. their servants, as in the Roman Saturnals.

15 * Εκτῇ. e L. Accius. Maxima pars Graium Saturno,

16 Εβδομή. & maxime Athena Consciant sacra, que

17 Οὐδῇ. Cronia esse iterantur ab illis, Cumq; diē cele-

18 Ενάτη. brant, per agros, urbesq; fere omnes Exercent their transmi-

19 Εἰκῇ. gration. Plut. p 8. l. 9. By

20 Δεκάτη. εὐνοῖας. Κυρία Ἐκκλησία. b. Hence was

21 Εἰάτη. this Moneth called by the ancient Atheni-

22 Οὐδῇ. ans, Κεῖνη; afterward Hecatombæon, from

23 Εβδομή. ἑκατομβάα, sacrifices to Iupiter or Apollo, as

24 Εκτῇ. some think with the bloud of an hundred

25 πέμπτη. beasts: For so were they profuse in their sa-

26 Τετάρτη. crifices. f Ovid. Taurorum sanguine centum.

27 * Τρίτη Παναθηναία. g The Scholiast of Homer

28 ἀδελφῇ. sayes that Hecatombe may be used for sine &

29 ἑνὴν ἑξήκοντα twenty beasts, whose feet make up the num-

ber of an hundred, ἀπὸ ἧς ἑκατομβάων, ὃ ἐστὶν ἑξ ἑκατοπίντων

ζώων.

* To Minerva the protectresse of their citie, as hath beene

before said, instituted by Theseus, as h Plutarch. ἡ τε ἀθῶνα.

ἑορταὶ ἐπὶ τῷ κοινῷ. At first they had the name *Ἀθωαῖαι*, by *Eristhonius*, or *Orpheus*. In the time of solemnization there were rare shews exhibited to the people, such as horse races, wrestling, dancing in armour, called *πυρρίκη*, from *Pyrrhus* that invented it; Then carrying in procession the *Peplus*, or robe, in which was wrought the fight of the Gyants. All which you may read in *Menrsius* at large, and *Aristophanes* his Scholiast.

In Panathenais.

4 Pag. 140.

107. 180. 181

467. 580. 650

746.

The second of this moneth is called *τειν*, because it hath but 29 daies, and so alwaies in *canis*.

Metagitnion. August.

From the sacrifices of *Apollo*, called *Μεταγίτνια*.

1 *Κυρία ἐκκλησία. γ.*

2

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4 *Κυρία ἐκκλησία. δ.*

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7 *Πρυτανεία δειπνέει.*

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17 *Κυρία ἐκκλησία. α.*

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26 *Κυρία ἐκκλησία. β.*

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* *Boedromion* September.

1

2 *Νίκη ἐν Πλαταιαῖς.* When *Pansanius* and *Aristi-*

3 *des* overthrew *Mardonius*, *Xerxes* his Generall neare

4 *Plataea*, a citie of *Bootia*,^a *Herodotus*,^b *Iustin*.

5 *Νίκη ἐν Μαραθῶνι* *Miltiades* leader of the *Attick*

6 *Κυρία ἐκκλησία. γ.* forces got the upper hand of

7 the *Persians*. In which battle

8 when *Cynagirus* pursued the

9 *Κυρία ἐκκλησία. δ.* flying enemies to their ships,

10 he caught hold of one with his

11* *Χαριτήρια Ελευθερίας.* righthand, which lost, he made

12 use of his left; that cut off, he in

13 token of his prowess spared

14* *Αγυρμός Μυσήρια.* not his teeth, to the eternizing of his name for valour

15 against his enemies.

16 * In thankfulness for the delivery of *Greece*, at what

17 time *Darius* and his Fleet went homeward. ^b *Aristi-*

18 *des* describes the joy at full, and the erecting of an Altar

19 to *Jupiter* that freed them.

20 * The greater in which they were made ^c *ἐπέπν*, or

21 admitted to the sight of that they worshipped. The first

day was called *ἀγυρμός*, perhaps from the conflux of the

* Then this

month came

the feast of Bo-

edromia, from

Theſeus over-

throwing the

Amazons.

Plut. p. 9. or

Ion helping

the Athenians

against the

molians. Ben-

droctus. and

because he re-

ceived a cry.

Aristophan.

Βολύ Ίσαδ.

Lucan.

Ἐπὶ τῷ ἑορταῖ.

Latin *Quiri-*

tarij. hence

help came in.

a Calliop. p.

234. b. lib. 3.

b Tom. 1. pag.

257. see Plut.

in Aristid. p.

246.

c. b. d. Arist. p.

pag. 247.

Here I look on
Mourning
breathless
but it you
please to read
generally see
Anstoph. Sch.
p. 598. 131
138. 455.
525. 647. 142
218. 227. 228
231. 233. 217
202. 264. 510
Anstid. T. 1.
p. 322. Clem.
Alex. in Pro.
trop. p. 10.

22 * Κυρία ἐκκλησία. α. people. The second *ἀλαδὶς* μὲν
23 *σαί*, because the Crier then
24 warned them to goe to the sea. The third day they sa-
25 crificed a Barble, because it devours the sea hare, an eni-
26 mie to man. The fourth, two Oxen drew a basket re-
27 presenting *Proserpine* gathering flowers, which wo-
28 men following cried *χαῖρε Δήμητερ*. Haile *Ceres*. The
29 fifth they ranne with torches. Hence *λαμπροδερμία*, and
30 *λαμπάδων ἡμέρα*. The sixth *Bacchus* was carried in pomp.
Hence is it termed *ἰόκλῳ*. The 7th day they exercised in feats
of activity & he that overcame had wheat givē him. The 8th
was *Epidauria* from *Æsculapius* his coming frō *Epidaurium*
to *Athens* to be initiated. In the ninth they filled two mea-
sures of corne, and setting one at East and the other at West,
they powred them out, one looking to heaven and crying *ὦ*,
the other to the ground, saying, *πῆρ*. Thus *Mourning*. That
day was *πῆρ*.

The second of this Moneth was left out ever, saies ^a *Plu-
tarch*, instead of which some are perswaded, the name onely
was omitted, as *πῆρ* for *τεῖτη*, which was recompenced by
ἐκκλήση *θρίοντος*, or *ἰσχυρῶς* as in a defective Moneth *ἐκκλήση*
θρίοντος, for the twentieth. Of this iudgement is the ^b *worthie*
Petavius.

^a Sympos. Q.
1.9.6. & in l.

ἐκκλήση

οἶα. p. 331.

ἐκκλήση doct.

Temp. 1. c. 5.

p. 11. D.

^a Max. de-
tion. to be
inserted here.

inferred here.

^a *Pyaneption*. October.
This moneth tooke denomination from the feasts *Pyane-
sia*. For mingling the remainder of their food after their ari-
ving, they put it into one pot, and seething it, were loviall al-
together at the same.

1
2 Κυρία ἐκκλησία. β.

3

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7 Πυανέσια. After that *Theseus* had buried his father,
8 he paid the vow made at *Delos*, to wit, if
9 he returned safe from the death of the *Minotaur*, hee
10 would sacrifice unto him a pot of sodden beanes. Hence
11 *πυανέσια*, as it were, *κωμύσια*. For the antiques called
12 *Αιοδος* *εἰς τὰ θεῖα* *κωμύσια*. [*beanes* *πῆρ*.]

12 Κυρία ἐκκλησία. γ.

13

14 Θεῖα κωμύσια. ^c *Plantas* calls this festivall *vigilias* ^d In *Aulularia*.
Cereris, which the *Attick* Dames

15 kept most sober and chaste, strowing their beds with *co-
16 niza* for that purpose, it being an enimie to lust. They
17 prepared themselves with fasting, but after that tooke
18 their liquor freely. The number
19 of daies were three allotted, as
20 some, or foure, as others. When *Castellanus* saies that
21 *Ovid* makes them nine, is false; for that was the *Myste-
22 ria*, as we above have shewne. They were done in ho-
23 nour to *Ceres*, that gaue lawes first, as shee is termed *Δη-
24 μῆτερ θεῖα* *κωμύσια*. Of these you may read ^e *Aristophanes* ^f *Pag. 611.*
25 and his Scholiast. ^g 770. 782.

26 ^h *Ἀπάσια*. Kept this moneth. When the Parents ⁱ 783. 819. 820
27 brought their children to their Tribes, to be enrolled, I
suppose for feare of deceit in patrimonies. Then they
made merry for foure daies.

28 Κυρία ἐκκλησία. α. The first was *Δεῖπνα*. The se-
29 cond *Ἀνάβυσον*. The third *Κεῖσος*. The fourth, *Επίεσος*.

30 Καλκῆσια. In honour to *Minerva*. ^j *Mourning* tea-
ches us that they were celebrated the
17 of this moneth, but *Petitus* hath
thus placed them.

^f *Garcia Fe-
na l. 1.*

Mamæsterion. November.

This moneth is to be placed before *Pyænepsion*, as I haue aboue giuen notice, but in this Almanack I follow *Petivus*, who so hath set it, though much against the opinion of other learned: as *M. Selden*, *Petavius* and others, whom I would haue you Reader to accept as for most approved.

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Κυρία Ἑλληνοσία.β.

17 Κυρία Ἑλληνοσία.γ. *Plutarch* in the life of *Aristides*, saies, that the *Boeotians*, nay and *Greekes* send yearely some to sacrifice to the memory of those that died at *Plataea*, and every five yeare they haue great pastimes, which hee sets downe the manner of.

● Pag. 241.

23 Πρωτανυσία.δ. This moneth is derived from *Iupiter Mamæstes*: for I suppose they first found Gods, afterward festivals to them. Not the moneths first, and then named the Gods from them.

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Posideon. December.

From *Neptune*, who is *Posidon*. For the first day of this moneth was sacred to him, as *Casaubon*. Hence hee thinks it to be called Ποσειδώνος ἡμέρα. *In Theophrastus Charulæ*

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4 Κυρία Ἑλληνοσία.α.

5 Λύωμα. *Dionysia* τὴν κατ' ἀρχάς. Without the citie, It seemes when they had gathered in vintage and pressed their grapes. Λύω Torcular. Then were they most jocund, as may appeare out of that. Like the voice of them that tread the wine presse, and in *Oppian*. ἐπὶ λύωις ἡ Κωνυγία χαίρειν. On which words *Conradus Rittershusius* takes v. 1127. *Διωαίων* to be *Iannary*. *¶ Pagina. 118.*

13 Κυρία Ἑλληνοσία.β.

16 Αἰῶα. A feast to *Ceres*. The day doubtfull, *¶ Demosten. c. Pag. 743.*

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23 Κυρία Ἑλληνοσία.γ.

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26 Κυρία ἐκκλησία.δ.

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29 Πρωτανεΐα.ε.

30

Gamelion. January.

1 From the marriages first made by *Cærops*, of whom before we have spoken, and more you may read in *Tzetzes* on *Lycophron*. That moneth wherein this people coupled, hence is called *Gamelion*, from γάμος, *nuptia*. It is sacred to *Iuno*, who by the Poets is called *Pronuba* and *con-*
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9 Κυρία ἐκκλησία.α.

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18 Κυρία ἐκκλησία.β.

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28 Κυρία ἐκκλησία.γ.

29

Antheſterion, February.

1

2 Κυρία ἐκκλησία.δ.

3

4

5 Πρωτανεΐα.ζ.

6

7

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11 Ἀνθεστιά. Kept in great mirth for three daies in *Of this you*
12 the honour of *Bacchus*. The first *πρωτισία* may see *Ari-*
13 from *πίθος* the tubs, and *ῥιγιν*, to open, for at the broa- *stroph. p. 293.*
14 ching of their vessels they drunk stiffely. The second *417.419.*
15 *χοαί* from *Chus*, a good capacious vessel. In this he that *422.222.*
16 *Κυρία ἐκκλησία.α.* could drink down the rest *The day was*
17 of his companions had a called *χύτρα* *called χύτρα*
18 golden crowne. The third *χύτρα*, I suppose different *likewise, but*
19 from *χύτρο*. From this Festivall the moneth is named. *not in the*
20 The twelfth of which *Dionysia* in *Limnia* were kept, *sense spoken.*
21 called *μεγάλα & ἀχαιύπερα*. The 13th were acted Comæ-
22 dies, begun the 3^d yeare of the 93 Olympiad, when *a In Terent.*
23 *Callias* was *Archon*. But after they were taught as a *No-* *p. 289*
24 *nat* and *b Iſtrian* witness, and *c Aristophanes*, *ἐπὶ πλῆθος* *b In Demost.*
25 *σωπείχοντες τὰ κυνὰ δειγμάτα βλέπεν*, saies one. *c Pag. 143.*
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Elaphebolion. March.

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4 Κυρία Ἑκκλησία. γ.

5

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7 Θυσία Ἀσκληπιάγ. Κυρία Ἑκκλησία. δ.

8

9

10 Πρυτανεία. η.

11

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*Contra
Cicirphon.*

16 Διονύσια πᾶσι καὶ ἄλλοις.

17

18

19

20 Κυρία Ἑκκλησία. α.

21

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29 Κυρία Ἑκκλησία. β.

Of these *Æschines* makes mention, and you shall have them obvious every where in the Greek Authors.

77

Munychion. April.

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10 Κυρία Ἑκκλησία. γ.

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13 Κυρία Ἑκκλησία. δ.

14

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16 Μηνύχια. Πρυτανεία εἰσάτη. *Munychia* were observed to *Dia-*

17 na, who was so called, and had a Temple in *Munychia*,
18 by *Athens*. The moneth beares the name. In this moneth were the causes of strangers iudged. *Æ Arist. Sc.*

19 Διαία. To *Jupiter Meilichius*. The greatest day that the *Attick* route was kept in. See of this *Æ Aristophanes* and *Æ Eustathius*. *Æ Arist. Sc. b Pag. 150. c Men. & d Men. l. 1.*

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26 Κυρία Ἑκκλησία. α.

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K 3

Thargelion

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5 Κυρία Ἐκκλησία.

6 *Ἐκκλησία*. To *Apollo* and *Diana*; holding it to be their na-
 7 tivitic. On this day did they expiate for the finnes of the
 8 people. For they were wont to nourish some base men,
 9 and of no account, at the publique charge whom in time
 10 of pestilence, or the like they sacrificed for the finnes of

a In Equites

pag. 353.

b In Ramis.

11 the citie, Two in number, saies the *Scholast* of *Ari-*
 12 *stophanes*, whence they were called *ἑκκλήσιοι*: but more
 13 properly *καὶ ἰατρίματα & φαρμακοί*, *Aristophanes*.

14

15 Κυρία Ἐκκλησία. γ.

16

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18 Κυρία Ἐκκλησία. δ.

19

20 *Βερίδιδα*. To *Diana*, who by the *Thracians* is
 named *Βερίδις*.

21 *Παναθηναιά μικρά*. Not much different from
 the greater. See *Menysim*.

22 *Κατωπία*. *Πρυτανεία*.

23

24 *Πλωτήρια*. *Petitus* places it on the 24 day, o-
 thers will haue it the 25. To *Miner-*

25 *va*, on which they take off the ornaments of her statue,
 26 and wash it I suppose, *Plutarch*, *Xenophon*.

c Pag. 152.

d *Ἐκκλησία*.

p. 257.

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Scirrophorion.

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Σχίρα. To *Minerva*, from *σκίρα*, a Canopie, under
 which her Priests did walke in pomp at that
 time: or from the statue of *Minerva* found in *Scirus*.

c *Schol. Aristoph.*

c Pag. 497.

15 *Βεφόνια*. It was not lawfull anciently to kill an

Oxe: wherefore when one had slaine that

16 beast eating the meale provided for the sacrifice, hee

17 slew him and fled, in memory of which this day was

18 kept. Afterward they did mitigate the Law, and gave

19 licence to butcher an Oxe, so that hee was not for the

20 plough. To which *Juvenal* may allude. *Vt vetulus bos*

21 *Κυρία Ἐκκλησία. γ.* *Qui domini cultus senue &*

miserabile collum Præbet, ab

invito iam fastiditus aratro.

22

23

24 *Κυρία Ἐκκλησία. δ.*

25

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27 *Πρυτανεία. ἢ Φυλὴ πρυτανεία, &c.*

28 Where *Petitus* makes the foure first Tribes to governe

29 each his day, on those foure that abounded about the

30 yeare, *Sigonius* seemes to agree, and *Maussacus* ap-

* Athen. Rep.

* In Nons ad

Harpoera.

proues

* De Duct. Temp. 1. 2. c. 1.
* De emend. Tem. lib. 1.
proves it. Neither is it misliked by * *Petavius*. * *Scaliger* hath faithfully taught us other wise, who makes each *Prytæcia* to rule 36 daies, which none ever are to have done, except the first foure.

CAP. XI.

De Tragœdiâ, Satyricâ, & Comœdiâ.

^a Vid. Can. Chron. ad Gr. Epoch. Mar. Arund. p. 97.
^b Hermog. de Eloq. Meth. p. 41. c. 33. Eu-
stath. in Pæf. at illud.
^c Tract. de Trag. & Comœd. præf. Terentio.
^d Marmo. Arundel, & ad ea seld. Cl. Præfixa et à Aristophan. *ὁ καμψός*.
^e Schim Naz. stel. c. p. 106.
It is taken for grant among the Ancients, that *Homer*, who lived * 9 7 yeares before Christ, was the first that taught *ἱερὰ καὶ λόγιον*, to speake in Tragœdie; comprehending great and weighty matters in few words and very concisely, being more large and using circumlocution in matters of lesse consequence, which *Hermogenes* acknowledges to bee the property of a Tragœdian. This foundation being laid, following ages still built (though rudely) a structure to small perfection. *Nam post illius tale tantumq; documentum, &c.* saies ^c *Donat.* For after that *Homer* by the *Iliads* had represented a Tragœdie, by the *Odysses* a Comœdie, most ingenious imitators took those Poems and set them in order, and divided them, which at that time were inconsideratly, & without iudgement, written, impolisht, and in the first rudiments not so neat and trim, as in proesse of time they were made. For Poësie was a great while in her minoritie, and very rude, after the first publishing of plaies. For we see little or nothing of ^d *Susarion*, the first Comœdian, worth our time: some few verses only, & so few as may but witnesse such an Author. The originall of the word Comœdie is supposed to be taken from divers reasons: First, because in their revelling, kept in honour to *Bacchus*, they sung them, and so it may be derived from *καμψός*, *commesatio*; ^e *καμψός* signifying *ὡς μέθης αἰχρῶς ἄδον*, to sing basely at the cup. Secondly from *κάμα*, sleep; because when any of the *Attick* husbandmen had been injured, it was the custome (as before hath been spoken) for the party abused, to come in the

the night season into the streets, and with a loud voice cry, such and such reioyce in wrong, and commit such outrages, though there be Gods and Lawes. And after that, proclaimed the parties name, who on the morrow was fought out by the husbandmen and much shamed; by which these wrongs were redressed. Thirdly from *καὶν*, a street, because when the old *Athenians* would note a wicked mans life out to the world, meeting merrily in the streets and high waies, they laid open every mans life and concealed not his name, *ἢν vicis & compita ex omnibus locis lati, alacresq; veniebant: ibiq; cum nominibus singulorum vitam publicabant.* These verses were first sung in the greene Meddowes, ^a about the beginning of the spring; When the husbandmen kept the festivals of *Bacchus* the God of Wine, to whom they sacrificed a Goat, because his biting is an enemy to the vine, the skin of which they took and sowed up close, filled with wine, and anointed it with oyle to make it slippery, and so hopped with one leg upon it, making themselves laughter at the falls they often took. This sport they call *ἀσκαλιάζειν* from *ἀσκάς* a skin and *ἄσκαδον*, to leap; ⁱ *Aristophanes*. *Ἀσκαλιάζ' ἐνπαῖδα αἰεὶ πῶ αἰ-θ' ἄσκα*. ^k *Virgil* hath fitly set it out.

*Non aliam ob culpam Baccho caper omnibus aris
Ceditur, & veteres incunt proscennia ludi:
Premiaq; lingentes Pagos & compita circum
Theſeida posuere: atq; inter pocula lati
Mollibus in pratis unctos salire per utres.*

After *Susarion*, sprang up *Theſpis*, the first that made Tragœdies, which by *Horace* are termed *Lachrymosa poemata*, sad poems; because they represent humane miseries, the misfortunes of Kings and great men especially, there being no place for a poore man, but only to dance, as ^m *Arrian* hath observed. Which thing gaue an occasion to ⁿ *Socrates*, when he saw the most worthy and rich put to death under the thirty Tyrants, to say to *Antisthenes*, doth it not repent thee that we in our lives never did some famous exploit? So in Tragœdies we marke that

^f *Donatus de Tra. & Com.*
^g *Idem ibid.*
^h In Synop. vix. Aristop.
Th. Magid.

ⁱ Plot. p. 108
^k *Geor. 2. p. 71.*

^l *Iliad, Enchiridion in Tragœd. & Poetis, interpretis καμψός, μέθης αἰχρῶς*

^m In Epist. p. 45.
ⁿ *Antisthenes* Vol. 1.

that such as *Atreus*, *Thyestes*, and *Agamemnon* are slain; but what Poet was yet so impudent as to bring a base fellow on the stage sacrificed? Not supernumerary is that of *Euripides* for *K. Archelaus*, desiring that he would write a Tragœdie of him, who prayed that nothing proper to a Tragœdie might happen to him; meaning sorrow and lamentation. For so is *Τῶν ὀδίων* used, as *ἡ κωμῶσα* for joy and mirth, and glee conceits. The first Tragœdie that *Thespis* taught was that of *Alcestis* repriving her husband from death by her owne, as *P. M. Selden* hath coniectured. This *Thespis* was forbidden by *Solon* to act his Tragœdies, as *ἡ ἀρχαία ὑπόθεσις*, a fruitlesse lying. *Horace* of him thus speaks.

*Ignotum tragica genus invenisse camæna
Dicitur, & plaustriis vexisse poemata Thespis.
Qua canerent agerentq; peruncti facibus ora.*

Upon which words some have written that his Poems were so voluminous, that he was constrained to bring them upon waines. But alasa poore conceit! *Franciscus Lufininus Uticensis* is of opinion that *Thespis* carried his scene upon carres: and *Acron*; That the *Chorus* carried about in waines acted Tragœdies. *Chori plaustriis circumducti Tragœdias agebant.* I avouch that at the first the Poets acted alone their owne Fables; And to me it seemes a ground for to stand on, the Greek Authors by the word *ὑποκριτής*, intimating a Poet. *ὁ ἀρχαῖος ὑποκριτής*, &c. The ancients, saies *Vlpius*, called the Poets *Hypocritas actors*, which we now terme *Tragœds*, such as *Euripides*, *Aristophanes*, &c. The place in which they sung their Poems, was a Scene upon a waine drawne in procession to the honour of their God *Bacchus*, as among the *Greekes* the custome was, saies the Scholiast of *Nazianzen*. Of the manner in those ancient times, *Plutarch* shall thus informe you.

Ἀμφοτέρωθεν δὲ οἶνον καὶ κληματὶς, &c. A pot of wine and a vine twig, then one drawing a Goat, next another with a basket of figs, and last of all the *Phallus*. In which solemnitie the Poets in waines following the pomp, might without controule laugh, scorne, and deride any they met, saies *Dionysius Halicarnas-*

sens; or were wont, as the *Schol. of Nazian.* to rayle upon each other. whence *πυμπήν*, is as much as to convitiate impudently, (though in a good sense sometimes to celebrate the pomp, or goe in procession in honour to the festivall) and *πυμπήα*, a scandal or reproach. *ὕβρις, λοιδορία*. Whence likewise came the Greek proverb, *ὡς ἐξ ἀμάξης λαβεῖν, tanquam ex plaustro convitiari*, to giue reines to the tongue, to be free in abuse. Which that they might doe the better without shame, or blushing, sometimes would they anoint their faces *amurca*, *olei face*, with the dregs of oyle, saies *Donat*, or of wine (for so I interpret *πύμα*) from which Poets by *Aristophanes* are called *πυγμαύμοις*. *Horace*—*Peruncti facibus ora*. Sometimes would they put on vizards, which least they should hurt the head, were defended from the skinn with a wollen cap, named *παλίδιον*. A word elegantly used by *Demosthenes*, in a Metaphor drawne from the liberty and impunity of the persons that wore it. *οὐκ οἶμι δίκην δότων παλιδίων καὶ ποσώνων ἀδικημάτων καὶ παλίδιον λαβὼν ἐπὶ τῷ κεφαλῷ*. Thinke not to escape scot-free for such villanie, though you get a *pileum* on your head. We may apply it in threatening to any slanderer, of whom we surely intend to be revenged. But I seeme to forget the Poet, while I speake of the stage, I will therefore returne to him. *Thespis*, as I said, was the first that invented Tragœdies; so called, as *Donat* tels, because (least there should be rewards wanting, by which good wits might be stirred up to write, and men encouraged to get them tunable voices *ad dulcedinem commendationis*) they gaue the Actors a Goat. *Capere namq; pro dono his dabatur. τὸ γὰρ* is a Goat, and *ῥέει* a song. *Horace*, *Carmine qui Tragico vilem certavit ob hircum*. Before that time some say that *Epigenes* the *Sicyonian* made Tragœdies, but the most receaved opinion is this which *Horace* hath set downe of *Thespis*. Before him there was no art of poesie Tragical, but at their festivals, when they ascribed all their mirth and delight to their Gods, they did it especial-

ly to *Bacchus* (and so afterward, when Actors are called *Διο-
Orat. π. πύρι*), and *πύρι* simply by *Demosthenes*, by *Donat*
Artifices. The word is used for Juglers, and such as *Hokus Po-
p. 242 kus* in *Theophrastus*) they would feast, and afterward scoffe
Chorus and deride each other, which grew afterward a part of their
solemnitie. They would moreover dance at rude Musick, and
from thence suppose they the *Chorus* to have sprung up.
They would likewise cast forth *ἀνὰ πᾶσι* *Quala*, as they terme
them, in *Virgil's* language, *versus incompitos*, *Numeros innu-
meros eo tempore fundi solitos & sine arte*. For they had of old
but two sorts of verses, *Heroicks*, in which they sung the
praise of Gods and Noble men, and from this in a short time,
with sinale care grew a Tragedie; the other sort was *Iam-
bicks*, as toying and lascivious as the *Phallica*, but biting too. &
from hence came a Comædie. At first small was the diffe-
rence betweene a Tragedie and Comædie, *constat sane, pri-
mis temporibus ignoratum fuisse discrimen inter Tragœdiam &
Comœdiam*, and the reason is, becaule even Tragedies had
their wantonnesse and petulancie. At first they sung in ho-
nour to *Bacchus Dithyrambicks*, and afterwards neglecting
him they praised their Demi-gods, which when the people
saw they cryed downe, with *Οὐκ ἔστι Διόνυσος*, whence
our proverbiall adverb is fitly used *ἀνεξιδανίστως*, for nothing
to the purpose. But to giue content to the people, the Satyres
did *praludere*. But after that, when a Tragedie tooke state
they excluded the Satyres, and were only for sad and serious
persons; by which mournfull poems the people were wont
to be cast down, sympathizing with the person represented,
therefore to cheere them a *Chorus* of wanton Satyres were
brought in by *Thespis* as *Horace*.

*Mox etiam agrestes Satyros nudavit, & asper
Incolumi gravitate, iocum tentavit, eo quod
Illecebris erat & grata novitate morandus
Spectator, funtibusq; sacris, & potus & exlex.*

In a Satyrick play, Satyres haue a *Chorus* place, or else the
persons

persons are Satyrick and ridiculous, and for the easing of the
mindes of the spectators, they would bring in Satyres for
sports sake; and many of their Tragedies had some mixture
of Satyrick sport, saies *Casaubon*. *Fuisse aliquando pluribus* *n. p. 139 de*
Tragicis Dramatis interjectas Satyricas fabulas. Of this I say *Sat. Poet.*
Thespis was the first inventor, who likewise to ease the *Cho-
rus* (° for that acted only) brought one actor upon the stage, *o. Lect. p. 220*
to whom *Æschylus* added one, and *Sophocles* another, so the
number was three, *Æschylus's* is *ἀδριανιστής*, *Sophocles* his
πρωταγωνιστής, a word put for an oblcure & bale fellow in *De- p. 184.*
mosthenes, *Ulpian*, is *ἀδριανιστής* & *πρωταγωνιστής*, speaking of
Æschines, if I remember. *Tully* calls them Actors *secundarii*
& tertiarum partium. *¶ Ut in actoribus Gracis fieri videmus,* *¶ In divinit.*
sape illum qui secundarum & tertiarum partium, cum possit ali-
quanto clarius dicere, quam ipse primarum, multum summitte-
re, ut ille princeps quam maxime excellat. But let mee speake
what I haue to say of a Tragedie. *¶ None* was permitted *a Plutarch. in*
once to act *Æschylus*, *Euripides*, or *Sophocles* his Tragedies, *ita X Rhet.*
but they were to bee recited by the Scribe, that the Actors *p. 452 B.*
might (as I conceaue) repeat them. *Τὸν δὲ πᾶσι γενομένην*
ἑρμηνεύσαντες τοῖς ὑποκειμένοις, ἐκ ἐστίναι δὲ αὐτοῖς ὑποκει-
νέμεναι. And to this purpose by a law of *Lycurgus* the Oratour
were they commanded to be transcribed, and kept under cu-
stodie *ἐν τοῖς*. Yet the *Author* of the life of *Æschylus* *b. Iuxta finem*
writes, that the people made a decree, that he should receaue
such a summe of gold, that would *ἀδελφῆναι* the plaies of *Æs-*
chylus after his death. I put the word *διδάσκων*, *docere*. Because
Tragedians as well as the Comædians were said *εἰς ἀδελφίαν*
ἢ πρὸς τὴν ἐργασίαν, to labour in teaching the people. And
for this end did the ancients lay out so much mony upon their
Theaters. *¶ Sed immane quos quantosq; sumptus, in Theatra,*
in Comœdiarum ac Tragœdiarum representationem fecerit an-
tiquitas. Cum non mores tantum ab utrisq; emendari, ac pri-
udentiam conferri, sed & scripta antiquissima & formas Reipub-
lica, ac vitam magistratum, cum summo spectatorum fructu,

in *Comœdia examinari, factiones componi, ac gravissima subinde publico suppeditari crederent consilia.* Not unſitely therefore did the Poet reply to the people that carped at him in the Theater. *I came hither to teach you, not to be taught by you.* Hence of a Tragœdie or Comœdie the Greeke writers ſay, *ἡ δὲ (καὶ) docetur fabula, and ἡ δὲ (καὶ) docere,* as ſometime *ἡ δὲ (καὶ) docetur,* as you may ſee in *Athenæus.* The following Poets did not alwaies repreſent their owne Fables, but oft-times their predeceſſors; ſo ſaies *Quintilian,* the people permitted the works of *Æſchylus* to bee dealt with, becauſe in many places his vertes were not ſet in order. Hee brought great grace to the ſtage, and firſt taught *σκυτοχαρίαν*, the painting of the Scenes; which ſome thinke *Horace* to ayme at, when hee ſaies, *Modicis inſtravit pulpita cignis.* Which becauſe it was perfected by *Sophocles*, is thought (nay ſpoken affirmatiuely by ſome) to haue beene invented by him. *Sophocles* indeed did *πολλὰ χεῖρας γένειν*, bring in many new things, ſuch as leaving out the action of the Poet (for before the Poet himſelfe acted) by reaſon of the badneſſe of his owne voice; hee founded out white ſhoes, which the Actors and Dancers wore; he made the number of Dancers ſitteene, before but twelue; hee fitted likewiſe his Tragœdies to the natures of the Actors, &c. but that he invented *σκυτοχαρίαν* I cannot finde. Somewhat likewiſe was added by *Euripides*: as to ſet out the Argument of the Fable in the beginning of the Tragœdie, as you may obſerve; leading the Auditor, as it were, by the hand to the laſt and principall point of that one action which hee would repreſent, which by the glory of our nation, *St Philip Sidney*, is not paſt by, as frivolous, without noting. Theſe three were the Princes of Tragick ſtile, who exhibited to the People every yeare at ſome certaine ſolemnities their Poems, ſtriving who ſhould get the victory by the approbation of Iudges, choſen for that purpoſe, called *ἡ δὲ (καὶ) Διονυσιακοὶ Κερταί*, and *ἡ δὲ (καὶ) Κερταί ἐν Διονυσίῳ*; Tenne in number, think ſome, at firſt, gathering out of *Plutarch*, in the life of *Cimon*, authoritie for it. Be-

Athenæus
Dipl. 6. pag.
278, vide Ca-
lamb.
Pag. 270.
Lib. 10.

T. Magister.

*h In the de-
ſence of
Poëſie.*

*Heinſius in
Proleg. ad A-
rſtarchum
Hærocl.*

*Æſchines
Cont. Cteſiph.*

cauſe when hee had brought the Reliques of *Theſeus* out of *Scyrus*, *Aphepſion* the *Archon*, in gratulation to him, choſe not the Iudges as ſoone as the Theater was filled, and ſpectators placed; but preſently after *Cimon* entred the Theatre with nine more of his fellow Captaines, of each Tribe one, after accuſtomed ſacrifice he ſwore them Iudges, who gaue the victory to *Sophocles*, but then young; for which *Æſchylus* grieving went into *Sicilie*, where he died, and was buried neare *Gelas*. But out of this place we cannot proue that the number of theſe Critick Iudges was alwaies Tenne. This we acknowledge done in teſtimonie of high acception of *Cimon*'s ſervice. And yet in iudgement upon Tragœdians, the number might be ſo great. For there ſeemes to bee a difference betweene the Iudges of Tragœdies and Comœdies. The number of Tragick Iudges, grant we haply to be ſuch as we ſpeak; the power incontrollable, as from whom there was no appeal to others. *Cum neq̃ provocatio ab iis eſſet, neq̃ de quibus illi indicarent, magiſtratus ceteri ſententiam pronuntiarent.* The Comick Iudges were in number but ſixe, from whence came the Greeke proverb, *ἡ πέντε χειρὶς ἐν γένει καὶ ἡ ἑξήκοντα.* *Sub quinq̃, Indicibus lris eſt.* The Scholiaſt of *Ariſtophanes* ſpeakes ſomewhat uncertaine. Iudges, quoth he, paſſe cenſures upon the Comœdians, & they who had ſixe voices were happy. Thoſe were all. For if there had beene tenne of them too, it would haue made nothing to the Poets felicity to haue had equall voices. For the odde gaue a great ſtroake. Hence wiſhes the *Chorus* in the behalfe of the Poet. *Εὖνὴ καὶ νικᾷν μόρον,* to bee Victor by one voice onely. Another difference is that, whereas the Tragick Iudges had free liberty of ſuffrages beyond the power of the people, the Comick had not: For which *Ariſtophanes* taught his *Νεβύλαι*, they ſo much tooke the people, that they applauded the Poet, cried him up Conquerour, *καὶ περὶ πολλοῦ τοῖς κατὰ τὴν ἀνὰ δὲν λεισθάνω ἀλλὰ μὴ ἄλλοι γέγονεν,* ſaies *P. Ælian* and commanded the Iudges to write *Ariſtophanes* uppermoſt (as the faſhion was, which *Ariſtopha-*

*Plot. C. 10.
nep. 3. 2. 1
39*

*m Heinſius
loco laudato*

*n Z. nobis.
o An. Aves. p.
562.*

*p Var. H. 1. 2.
q Avib. p. 562.*

nes

next calls *πρῶτος ἐν πρῶτοις*, the most excellent first, the next to him second, and next to him third (which was no small praise, according to that of *Quintilian*, as I remember, *Honestum est in secundis tertiusve consistere*) and no other. For which cause I suppose the Poets before reciting, were wont to sacrifice, and pray for the favour of the Judges and Spectators. *Aristophan.*

Ομνυμὲν δὲ τῷ πᾶσι νικᾶν τοῖς κριταῖς

Καὶ τοῖς θεαταῖς πᾶσι-- Where the Scholiast interprets *ομνυμὲν* truly as it is to be understood, *ἑχόμεναι*, to supplicate. And good reason. For if they pleased not the people in reciting, they were overwhelmed with stones. To which use *Aristophanes* points, saying -- *ἐκ ἐβάλλετο*; nay sometime would they hiss them, which they terme *καλῶν* and *σείτείν*, sometime stamp them out of the Theater, which they call *πρόκοπεν*, by *Pollux* interpreted *ἐδάμειν* ἢ *πῆρνας κατακρήν*. Another difference is that the Comick Judges were punished if they iudged not right, the Tragick not so. And for these reasons have some conjectured, nay positively written, that their Judges were of two sorts, old and new, in which matter, if there be place for a conjecture, mine is, that they confounded both, making no odds betweene the Critick Judges of Tragœdies and Comœdies. But of this, Reader, you may determine as your Authors shall afford authority. Before Judges, as I said, the Poets in emulation presented their labours, and they who in their opinion lost the day, were said *ἐκπῆεν*, by *Casaubon* interpreted *non stare*. The time of exhibiting their Tragœdies, were the holy daies of *Bacchus* called *Dionysia* in *agris*, or *Lenæa*, in the moneth *Posideon*, on the *Antheſteria*, or *Dionysia* in *Limnis*, in the moneth *Antheſterion*, on *Dionysia* in *urbe* in the moneth *Elaphebolion*, to which I finde added the *Panathenæa* by *Thrasylus* in *Laertius*, which some deny, yet the same write that when *Sophocles* exhibited but one, it was at this festivall. I say but one, because it was a custome among the Poets of ancient daies to entertaine their people with

Loco laudat.

Ramus p. 118

Lib. 6. c. 19.
p. 118.
u. Echinos
contra Cic.
siph. p. 98.

H. Antiles
Ph. 1. 1. 1. 1.
v. Siphocli.

Ph. 1. 1. 1. 1.
p. 118.

with more plaies then one. *Mos autem Tragicorum Græcorum fuit Athenis, ut modo singulas committerent fabulas, modo plures, saies Casaubon*: Sometime in the same yeare three, and then was it called *πῆλορία*; sometime foure, and then they stiled it *πεπλορία*, *τὰ δὲ πῆλορα Δράματα ἐκαλεῖτο ΤΕΤΡΑΛΟΓΙΑ*. Whereof, saies mine Author, the fourth was a Satyrical play, the three other now treating of the fortunes of one and the same man, as those of *Æschylus*, named therefore *Orestia*; to wit, *Αγαμέμνων. Χοηφόρος. Ευωχίδης*. Which are all extant; the fourth was *Proteus Satyricus*. At other times they were not of the same subject, as that of *Euripides. Medea. Philoctetes. Diſtys*. The fourth was *Θεῖα*, saies the Author of the argument to *Medea*. Where the interpreter seemes to me not to reach to the expression of the Greek word *Θεῖα*, *Σάτυρος*; *Meſſores, Satyros*; he ought to have rendred it thus, *Meſſores, Drama Satyricum*. For that the word beares this sense is sufficiently dilucidated by *Casaubon*. That the greatest task of action lay on the *Chorus*, is as apparent as the Sun at noone. The number of them in Comœdies were twentie foure, and six *inga* (each *ingum* consisting of foure; but *σὶχες* foure, each *σὶχ* six men) in Tragœdies fifty, untill the time of *Æschylus* his *Enmenides*, the number of which so terrified the people, that the children and younger sort fainted, & the women suffered abortion; for which reason, saies *Pollux*, the number was lessened (which some deny) by law. They were by that Act brought to fiftene, five *inga*: I say *inga*, because they were divided into *σὶχες*, and *ζυγά*. *Ζυγόν* was when the *Chorus* entred by three, & then it was called *χρὶ ζυγὰ πᾶρεθ*, by file. *σπῆχ*, when they came on the stage in ranke five at a time; and this they terme *χρὶ σὶχες*. Sometime one of them entred alone, which they say *καθ' ἑα*. Of interlocutors the ancients for the most part never had above three; but if a fourth spake, that they named *ᾤδαρχήσιμα*; and if the *Chorus* supplied the part of a fourth actor, it was stiled *παρασπύριον*. To speak of the severall verses of Tragœdies, is *actum agere*:

M and

De Satyris
Poeti p. 31.

Laertius
De oratore.

Lib. laudat

Author vitæ
Æschyl.

and I had rather speak of the action, then the art in composing and yet not much, only this of their motions, termed *στροφὴ* & *ἀντιστροφὴ*. Στροφὴ, saies the Scholiast of *Pindar*, is a turning from the right hand to the left, in analogie to the motion of the universe *ἀπὸ τοῦ ἀνατολῆς*, from the East to the West; because *Homer* calls the East the right hand, the West the left: Contrary to the Hebrews, who terme the South *Yamin*, which signifies the right hand, and the North they counted the left. *Ἀντιστροφὴ* was a turning from the West to the East, that is from the left hand to the right, as the Planets moue. Another posture they had in their *Epodes*, for (if it be so in Tragœdies, as in Lyrick Musick, which I beleue) to expresse the immobility of the earth they stood still. They used *Epodes* for the most part at the end of the Acts, when the players avoided the stage. Thus much of Tragœdies; the authors of which were highly of old esteemed of; inso much as after the dismall discomfite of the

^d *Athenians* in Sicilie, they were relieued, who could repeat somewhat of *Euripides*. Nay, by a law made by ^e *Lycurgus*, & established in *Athens*, *Æschylus*, *Sophocles*, and *Enripides* had statues erected in brasce for the continuation of their memorie. After Tragœdies had proceeded to perfection, Comœdies were with great applause taught, as ^f *Horace*,

Successit vetus his Comœdia, non sine multa Laude--

He saies, *vetus Comœdia*, because a Comœdy was divided into three, or if you please so to speak, two sorts, the Old and New. I said three sorts, because * the old was different from it selfe. The meaning is, that the old Comœdie, of which *Susarion* (by some named *anmyrion*,) was author, tended onely to laughter, being without order and decencie. For the *Chorus* now walking, now dancing about the smoaking Altars, sung *simplex carmen*, some naked verse, saies *Donat*. Which by *Cratinus* was redressed; for he ordained three Actors, and mingled with his sport, profit, I meane for instruction. For under the *Democracie* it was lawfull to exagitate and propose for

^g Grammat.
ἡ παλαιὰ
αὐτῆς διαφ-
ρα.

for a laughing stock Captaines & corrupt Iudges, Citizens giuen to bribery, and such as lead a dissolute life, naming the men upon the stage and sitting the Actors with vizards, bearing the shape of those whom they intended to deride. But as the state grew to an *Oligarchie*, that licence was taken away, *Enpolis* being cast into the sea by those, against whom he wrote his Comœdie *Bapta*, and so drowned. Nay, there was a law enacted not ^a *ὀνομασι* *καμψιδῶν*, to name any whom they wrote the Comœdie of. Of which *Horace*,

^a *Hermog.*
Paruti. p. 76.

*—Sed in vitium libertas excidit, & vim
Dignam lege regi. Lex est accepta, Chorusq;
Turpiter obticuit sublato iure nocendi.*

But when *Alexander of Macedon* grew potent and a terror to *Greece*, the Poets fearing least any of their abusive wit might displease the great *Macedonian*, they changed the Argument of their plaies, and instead of abusing states & people, they fell upon ancient Poets, or some part of Historie not truly written, personating the Actors so as to bee most ridiculous:

^b sometimes scoffing on the stage at meane men, and this they termed *Νέη καμψία*, the new Comœdie. But afterward it was a peece of the *Athenian* policie to forbid that the people should be tossed on the stage, unlesse they would themselves, saies ^c *Xenophon*; knowing that none were wont to be brought thither but the wealthier sort, *πλούσιον*, *ἡγεμόνα*, *δυνατοῦ*. Some are of opinion that no Player came on the stage untill thirtie or fortie; I dispute not the matter; sure I am that *Sophocles* taught his first Tragœdie at twentie eight, in which doubtlesse himselfe came on the stage. It being among the *Athenians* no disgrace, as the *Romans* accounted it, to appeare there. ^d *Æmilius Probus*. *In scenam verò prodire, & populo esse spectaculo nemini in eisdem gentibus (Græcis) fuisse turpitudini: quæ omnia apud nos partim infamia, partim humilia, atq; ab honestate remota, ponuntur.* The place where the people beheld these plaies and pastimes was in the market place, ^e where they nayled scaffolds to a black poplar tree. For in

^b *Donat. Ge-*
neraliter ad
omnes homi-
nes qui medi-
ocibus fortu-
nis agunt, &c.
^c *Athen. Rep.*

^d *Præfatione*
ad vitas. p. 2.

^e *Meurs. Attic.*
Lect. 14. cult.

ancient time they had no Theater of stone, onely of wood, which they call *ἱερά*.^f *Aristophan.*

Theophr.
p. 77.

--*Ἀπὸ τοῦ ἱεροῦ*
τῶν βαλάντιον ἡνῶς.

Callaub. in
Theophr.
p. 45.

Zenobius.

Cont. Leo-
chap. 6. 17. n.
p. 51.

Olynth. 1.
p. 7.
Lacon, apud
Plut. Mor. p.
421.

Lib. 6. line.

These were built by some, who upon some consideration of money admitted any to a seat, named therefore *Θεατρον*. Once it seemes places were not hired. But there grew great enormities and abuses. For striving to get places, there rose wrangling and brawles, and fights; wherefore the *Attick* Senate ordained that each place should be hired for two *oboli* (in the Consulship of *Diophantus*, a *Drachme*, say some, whence rose the Proverb, *Ἀεχμὴν χαλῶσα*; because at the establishing of it, there fell haile) This money they called *θεωρεῖν*, from *θεωρεῖν*: because with it they did *θεῖν ἀπορροῖν*, buy a seat to behold the shew exhibited. Now because the poore people had not to giue, & so were deprived of the spectacle, *Pericles* desiring to be popular, made a law that they should receive out of the Cities revenues two *oboli* each man. For the right of exacting which money, they were to produce the authority of the *Lexiarchicall Rolles*, as appeares out of *Demosthenes*. For the distribution of this were certaine officers appointed, named *ἐκ τῶν θεωρεῖν*. But afterwards *Apollodorus* stroue that in warre and publike necessity, these summes might be employed in military affaires, but hee endeavoured in vaine; *Eubulus* in flattery to the people, enacting it capital for any that should attempt that which *Apollodorus* did; Which makes *Demosthenes* desist, willing, yet not daring to perswade to convert the money to the use of the Armie. But see the folly of them! For they spent as much on these sports as in obtaining the Masterie and liberty of Greece. And the end was miserable: for they became effeminate, and so put their necks under the *Macedonian* yoke. *Instit* of the death of *Epaminondas*. *Siquidem amisso, quem emulari consueverant, in segnitie torporemq; resoluti, non ut olim in classem exercitusq; sed in dies festos, apparatusq; ludorum, redditus publico.*

publicos effundunt: & cum auctoribus nobilissimis, poetisq; theatra celebrant, frequentius scenam, quam castra visentes. Verificatores Oratoresq; meliores, quam duces laudantes. Tunc vetigal publicum, quo ante milites & remiges alebantur, cum urbano populo dividi captum est. Quibus rebus effectum est, ut inter otia Græcorum, sordidum & obscurum antea Macedonum nomen emergeret, &c. Of the Theater I will say little, as also of the stage: Only that the places in the Theater were not promiscuous. For there was a distinction betweene the Senators and younger sort. The Senators was named *ἡ βελαντιον*, among which it is probable the Iudges had the first place, as *Pollux*. The seats for the youth were called *ἐφηβικόν*. One part of the stage was *Orchestra*, in which was *θυμέλη*, either a Tribunal or an Altar. That upon all their stages there was an Altar sacred to *Bacchus*, is apparant out of *Donat*: he saies it stood on one side of the stage, before the doores, *Pollux*: who names it *Ἀλιδς*. There was moreover a Table called *Ελεῖς*, on which before the time of *Thestis* some body ascending in the Poets place, did answer the *Chorus*. *Plutarch* thinks *Θεῖν* to be derived from *Θεός*, because that before the building of Theaters the ancients embracing *Musick* only for institution of youth and praise of their Gods, sung the commendation of good men, and honour of their Deities in Temples.

Antiph. p.
578.

Lib. 4. c. 10.
p. 202.

De Musica.
p. 441.

M 3

LIB.

tending to a mans disgrace. But this by the way: These Tables were kept in the *Acropolis*, translated afterwards to the *Prytaneum* by *Ephialtes*, where to the dayes of *Plutarch*, some reliques of them were to be seene. The *Autographum* or coppie written with his owne hand was not removed, but those that were transcribed by them. Because in matters of doubt and controversie they might haue recourse unto them.

* For the distinction of which, some think that ἡ χάρις τοῦ θεοῦ νόμος is used in *Demosthenes* for that in the *Prytanæum*. Others for the Law in the lower part of the table; but to mee it seemes improbable, for then the number of the table ought to bee cited; and indeed, one Table sometime could not containe a Law. For we read in ^d *Plutarch*, that the eighth Law was cut in the thirteenth Table. I am not averse from the guesse of *Petitus*, who supposes the Oratour to meane the Law which afterward he quotes; not ignorant of the opinion of some, who think that it is to be understood of the under line. For the Lawes being written βρεπορροδδν, *converso sive retrogrado litterarum ordine*, saies ^c *Silburgius*; which ^f *Pausanias* explaines, ὅτι τὰ λαφὰ ἐκ δεξιῶν, from the right hand to the left, & or more significantly, Ἀπὸ τοῦ πρῶτου τοῦ ἑκτοῦ ἐπηστῆρα τῶ ἐπὶ τὸ δεξιόν, ὡς περ ἐν δαίλυ δριμύ. When the second verse be- ginneth at the end of the former, as in the race which they call *Diaulus*, or if I shall speak neareit to the word, as husbandmē turne their Oxen when they plough, as for example.

ΕΚ ΔΙΟΣ ΑΡ
·ΥΘΖΕΝΥΧ

They therefore take the lower, that is turned, ὁ κατωθεν νόμος. After this manner were the Lawes written, and doubtlesse there were some customes as strong as Lawes. For although the Lacedemonians governed by tradition of custome, and the Athenians by written statutes, as ^b Iosephus, yet surely had their customes great force, insomuch as ⁱ Aristophanes uses νόμος for εἶδος -- Αἰρετὰ νόμου κεχθένια. * Scholiastes. νόμον νῦν ἐ πύρρα † γεγραμμένον φησὶν ἀλλὰ τὸ εἶδος. So did the ^b Greekes divide

c In Solone
pag. 66.

* Poll ex. 1.8.
pag. 4-8.

d Solone pag.
63.1.37.

e In Pausani-
am p. 426.
f In Eliacis
pag. 174.
g Eodem lib.
pag. 165.

h Contra Ap-
pionem Vide
Iustinianum .
Inst. l. 1. tit. 2.
i In Avibus
pag. 576.
a Pag. 577.
b Vide Iusti-
nianum.

divide their Lawes into *ἡγεῖσθαι* & *ἀγέειν*, written and un-
 written. The unwritten, *sine scripto ius venit, quod usus ap-
 probavit*, vſc. The Interpreter of *Sophocles* thus. *Νόμος ἔστιν*
ἡγεσθαι σωθήσθαι, σωθήσθαι δ' ἀγέειν νόμος. A Law is a writ-
 ten custome, and a custome an unwritten Law. Besides these
 there were decrees, which they termed *ᾠσιζήματα*, *ψεφισ-
 ματα*, a word used by *Cicero*, nothing different, *ᾠσιζήματα*
ἰσοῦνται τῷ νόμῳ. *Demoſthenes*, who meanes in ver-
 tue and power. For they differ much. *f* A Law maintaines iu-
 ſtice once found, common for ever. A *Ψεφισμα* follows
 the neceſſitie of the time, as it differs in events: it directs not
 warlike affaires, but is applied unto the occasion of armes, and
 as lawes can bee abrogated, ſo degrees changed. And here
 ought we to note, that no decree is greater then a Law. Of
 decrees there were two ſorts; *h* *τὸ βουλῆς ᾠσιζήματα*, ſuch as
 the Senate by it ſelfe eſtabliſhed, which were but of twelve
 moneths continuance; to the confirming of which, the people
 were not convoked, or their conſent required, termed *ἰσο-
 βουλδήματα*, which *Demoſthenes* proues to be *ἐπίτεια*, *Ulpian*.
ἐπὶ ἐπιταγῇ. Like to the edicts of the Roman Prætors which
 laſted but a yeare. *k* *Cicero*. *Qui plurimum tribuunt edicto*,
Prætoris edictum legem annuam eſſe dicunt. In other decrees
 the opinion and good liking of the people was asked, for the
 giving of the authority unto them, which endured in force a
 longer time. *l* *τὸ δ' ὑπὸ τοῦ δήμου κινήσθαι*, & *πλείονα μὲν χρό-
 νον*. And therefore we may eaſily knowe a *probleuma* from a
 decree of the peoples confirming, by this obſervation. *Εδοξε*
τῇ βουλῇ only, giues us to wit, that it is a *probleuma*. *Εδοξε τῷ*
δῷμῳ, in the beginning of a decree, ſhewes it to be *ᾠσιζήματα* πα-
ρὰ τοῦ δήμου κύριον λαμβάνον. The Senate alwaies ſate in conſulta-
 tion about that which was to be enacted, whether any dam-
 mage might accrew to the State by it or no, the Law com-
 manding that no decree ſhould goe forth without deliberati-
 on. *m* *ἀποβέβηκεν ᾠσιζήματα μὴ εἶπέναι ἐν τῷ δήμῳ*. Which
 done, the *Prætor* took certaine Tables and wrote on them *l. 31.*

N 2

Such

Sch. in Naz.

Sch. 2 pag.

55 vid. Vlp. in

Dem. p. 249.

Demost. p.

445.

c Vid. Dem.

loco cit.

d Xenoph.

Demosthen.

Vlp. expounds

το βουλευ

to report.

e Cont. Ti-

moist. p. 446.

f Demost.

p. 297.

Such or such a day about such a time there should be an assembly to consult of these and these affaires: and this they called ^a *συνελευσις*. When then they were assembled, and the people purified, the decree was read; which if the people allowed of, stood; if not, decayed. It was forbidden that any should raze out a Decree of any Table. And hee was brought in question of life, who should presume in making a decree to pretend a fallacie. Now because future time might haply perccaeue some inconveniences to arise by oversight in their Law giuer, and that as abuses should happen, which in his daies were not discerned, so there would be a necessitie of making new statutes: It was ordained therefore that every yeare there should be *ἐπιχειρηματία νόμων*, which ^b *Vlpian* expounds *διόκρισις ὅτι διὰ τοῦτο οὐκ ἔστι νόμων*. A consideration of what ought to be done concerning the Lawes. ^c The manner was thus. Every eleventh day of Iuly in the assembly after the Crier had made his prayers, as his fashion was, and shall anon be spoken of, the Lawes were read over in order. First those which concerned their Senate, next the weale-publique, and thirdly the nine *Archons*, & afterwards the other Magistrates. Then was it demanded if there were Lawes enough for the Senate, and so for the Common-weale, &c. If any of the Lawes in force were to be abrogated, it was adiourned untill the last of the three daies of the three Cōvocations. On which the *Prytanes*, appointed for the revising and reciting of the Lawes, were to take the matter in hand. The *Proedri* chiefe of the Assembly, were to ^d acquaint them with it. Five men at the first meeting, were chosen out of all the *Athenians*, who should patronize the Law to be abolished; and according to the iudgement of the *Nomotheta*, chosen out of the Councell of five hundred, was the businesse carried, that the Lawes should be of none effect, or full strength. Whosoever would bring in a new Law, was to write in a Table, ^e *εἰς ἀδελφείαν*, *Demosthenes*, the forme thereof, and set it up at the Statutes of the *Heroes* before spoken of, ^f *ἐν τῷ ἱερῷ τῶν ἡρώων*, which

which standing in a place conspicuous, that some certaine daies before the Sessions, any Citizen might read what was to be handled; and if any so pleased, he might at the proposall of the Law declare his minde either for, or against it, as at the preferring of a Bill in our High Court of Parliament, where it is not denyed any *Burges*, or *Knight* of a shire, to speake his opinion *pro* or *con*, either with any whole Bill or some part thereof, or in opposition to it, or some one clause. Provided likewise, that hee, who attempted to enact a new Statute, should take care for the disanulling of the old, that might contradict it, otherwise hee came within the compasse of *ὑπερβασία*, a writ of *Transgression of the Lawes*: which was of two sorts. First, when time is not observed in writing the, ^a *ὑπερβασία καὶ ἀντιστάσις*. Next when one is made that is adverse to a former. And if it so hapned, that any perswaded the people to make a Law that was not commodious to the weale-publique, hee might bee questioned within ^b a yeares space; ^c but if the time was expired, he could not. ^d Nay, they flew *Endemus*, a *Cydiathenian*, for bringing in a Law they liked not; scarce different in that one example from the *Locri*; among whom, he that would propose a Law, should doe it, his neck adorned with a halter, that if his request pleased not, hee straight way powred out his soule under the hands of the hangman. Their Orators, which are called ^e *δημαγωγοί*, because they lead the people with their Rhetorick and flattery, ^f *δημαγωγοὶ* wrote Lawes and decrees, as we learne out of ^g *Demosthenes*; and therefore are they deciphered by ^h *Athenians*, *οἱ λέγοντες* *δημαγωγοὶ*.

a Vlp. in Dem. p. 297.

b Dem. Orat. Arg. con. Lep. unem.

c Dem. p. 419

d Idem p. 468.

e Gellius l. 7.

f 13. If. Cal-

litatus Athe-

nis Orator fu-

it, quos illi

δημαγωγοὶ

appellant.

Livie Dec. 4.

of Athens. u-

bi Oratio plu-

rimum poller,

favore multu-

radinis alitur.

Vlpian.

δημαγωγοὶ δὲ οἱ

δημαγωγοὶ

ἔγραψαν τὰς

νόμους, ὡς

ἔχειν ἐν τῷ

βιβλίῳ τῶν

νόμων, ὅτι

ἔλεγον αὐτοὶ

δημαγωγοί.

25.

g Diphos. l. 14

h

CAP. II.

De Comitibus. Κουεὶα ὁ Σύγκλητος Ἐκκλησία. &c.

THE Assemblies were called by the *Prytanes* four times in thirty days. In the first they confirmed

med the Magistrates in their offices, if all things were managed well by them, otherwise they put them out. They heard publique causes, looked into confiscate goods, and possessions left by inheritance. In the second, any one with leave might freely speake of private and publique affaires. In the third they gave audience to Ambassadors, who before ought to deliver their letters to the *Prytanæi*. In the fourth, they treated of holy things, such as belonged to their Gods and worship of them. The first meeting was the eleventh day of the *Prytanæa*; the second the twentieth; the third the thirtieth; the fourth the three and thirtieth. I finde a difference betweene the 3 Scholiast of *Aristophanes* and *Vlpian* in the daye on which they came together, one making the first day of the Moneth to be the day on which the first assembly was, the other the eleventh of the *Prytanæa*, which seemes truest. And whereas they both write that every month there were three lawfull assemblies, to wit, on the first, tenth, thirtieth; or tenth, twentieth, thirtieth, we are not so to reckon them, but according to the *Prytanæa*, it being the *Prytanæi* charge to congregate the people. They seeme to have been called *κυρία Εκκλησία*, because in them they did *κυρεῖν νόμους*, establish decrees, as the 2 Scholiast of *Aristophanes*. Other assemblies there were which are termed *βούκληται*, when war, or any sudden accident troubled the State, then the people were called together over and above those foure times in a *Prytanæa*. They are styled *βούκληται*, because the people of their own accord met on the other dayes; but when they would have a Convocation some went about the Citie and called them. There is likewise *κατεκλησία*, when they were summoned out of the fields to goe to the Assembly. It seemes to me that the Crier in the streets on their lawfull assemblies gave some token when they should hasten; and so much *Aristophanes* witnesses, bringing in the women speaking that it is high time to be stirring, because the Crier -- *ἰὸν καὶ κόκκωκεν*, had cryed the second time. And indeed need was there of some warning

g In Achar.
p. 371.

h In Dem. p.
445.

i In Acharn.

b Vlp. & Sch.
Arist. loc. laud

c Poll. p. 405.

d In concio-
natio. p. 725

warning, & compulsion too; for so slow were they in coming to assemblies, that the *Logistæ* were faine to thong them to the meetings, as the Schol. of *Aristophanes* on these words, *ἔτις δ' ἱμάντας ἐκ λειπῶν*. Sometimes they took a rope, and dying it with red earth, they sent two slaves into the market place, who should one of the one side of the way, & the other of the opposite, pursue the people, and to whose chance it fell to be marked with the paint, paid a certaine peece of money. Hence in the 1 Comœdian -- *Κἄν' ἂν ἔγωγε τὸ χοῖνον φάγωμι* Aristoph. *Αμυμπαυρόν*. Vp and downe they shun the cord stained with Vermilion. And againe -- *ἡ μίλ' ὃ δ' ἔδ' ὀλεται γέλον παρέ-
χον ὡς περισσῆρανον κίχλην*. *Jupiter*, the red earth which flew about made laughter. 2 Sometimes would they take Hurdles, and barracado all the streets except those that led to the *Ec-
clesia*: Sometimes take away all their saleable wares which they brought into the market, lest peoples intent on their traffique should absent themselves from the Assemblies. When they had met oft times the company would bee dismissed at some prodigious signe, as thunder, lightning, tempest, and the like, which they called *ἁποσημεία*: 3 and earthquakes, or other occasions, deferring the Assemblies meeting untill the next day. When they were come together, and the Senate ready to sit, one man sacrificed; which rites were called *ἁποσημεία*, because they were done at the entry of the Councell. *Vlpian*. *περισσῶς δ' εἰσιόντες τὸ βουλευτήριον τὰς θυσιὰς ποιῶμεν*. I will not iustly say that it was the purification made with a young pig, before the bench was sate; and yet I may presume to averre it; the Grammarian that interprets *Aristophanes* witnessing that immediatly preceding the Sessions this custome was observed by one, whom they named *περιδεχόμενος*, from *πεῖσις*, τὰ καθαρότητα, which signifies cleansing, because by that he purged the Assembly, Theater, and congresse of the people. After they were sate, 4 the Crier did pray for the good of the people, 5 and cursed those who should offer to de-
ceiue the Senate or people. After this, hee spake with a lowd voice

c In Achar. p.
406.

f Aristoph. A-
char. p. 371.

g Schol. Arist.
loco laudato,

h Vide Arist.
p. 379.

i Plut. p. 386.
l. 7. & 384. l.

34.
a Demosth.

b Vide & Vlpian. p. 351.

c In Concion.
p. 728. A.

d Demosth.
p. 213.

e Id. p. 418.

f Alcidas
Aristoph. p.
371. Diad.
Sic. l. 15.
g Demosth. p.
29. Æschines
contra Ctes.
initio.
h Philippic. 1.

voice, *τίς ἀγορεύει*; Who will make a speech; where-
upon one of the 8 Elders arose that gave his verdict, it being
not permitted to any to utter his opinion, before the reverend
hoary head had spent his judgement. Whence by *Demosthe-
nes* they are stiled *ἐπιστάται*, those that were wont to orate.
After they had finished their sayings, others had leave to de-
clare themselves. Neither must we omit the fashion they had
to exclude all private men from their assemblies sometimes,
when the Senate alone sat, or the *Areopagiticall* Councell;
sometimes to debarre all servants, strangers, and men depriv-
ed of their liberties from their convents, which at other
times they admitted, and then was it called *ἀπὸ πύλων* *ἐν ἑκείνῳ*,
ἐν τῷ θεάτρῳ, an open Theater to all commers. The place of
meeting was called *Πύξ*, *Πύξ*, *ἐν τῷ πικνυάδῳ ἀνδρῶν* *ἐν*
αὐτῷ, from the frequent concourse of people there. It stood on
a rock, and therefore by *Aristophanes* is called *πίτρα*. 345. Sch.
ἐπειδὴ δὲ οὗ. There was a stipend for them that came to As-
semblies, as you may see in *Demosth. contra Timoc.* And *οὐκ*
βοιωτὴν οὐκ ἐνέμαλος. Because they might bee at leisure with-
out damage. *Aristot. Pol. l. 1. c. 13.* They assembled also in
Piræus. *Ulp. in Dem.*

CAP. III. SECT. I.

*De Tribunalibus Atticis, & primum de
Senatu Περικλοῦ.*

Vhen the mutinie betweene the faction of *Mega-
cles* & *Cylo* disturbed the *Attick* common wealth,
Solon perswaded the people that those, whom for their auda-
citie in drawing away the suppliants from the Altars they
named *ῥαγῆς*, should undergoe judgement, there were cho-
sen *κ* three hundred men, *ἀεὶσινδῶ*, according to their worth,
to sit upon the case. But these were not a perpetuall iudicato-
rie. For when the people murmured at the cutting off of the
usurie

g Plat. Solon.
de p. 6. l. 1.

usurie money, then was the *Grand Councell* ordained; out
of every Tribe, which were then but foure, an hundred cho-
sen, who by their advice should direct the people in those
things which were to be handled, least any thing should be in-
ducted, or proposed to the Assembly, without due considera-
tion. Who from their office in a *Democracie*, *Aristotle* saies *m* *Polit. l. 2.*
are more properly called *οὐβουλοι*, but where the Rout rules, *c* 8.
Βουλή. But when *Clisthenes*, who by *Plutarch* is termed *ἡ κατα-
σκευαστὴς τῶν πολιτείων*, had augmented the number of the
Tribes from foure to tenne, eightie six yeares after *Solon's*
Lawes were received, he made the number five hundred, ta-
king fittie of every Tribe, which doubled ten times make up
the summe. This Councell by *Aristotle* is described *ἡ μέγιστη
κυρία πάντων*. The *Mistresse of all the rest*, and I am not of opi-
nion that *ἡ ἀνω βουλή* in *Plutarch*, is to bee understood of the *In Solon*
Areopagus, as if that were aboute the Senate, but as instituted *P. 63.*
first by *Solon*, and so related by the Author. And yet I knowe
b one writes. *Tam dignitate, fama, quam officio, secundum post
Areopagitas locum obtinere.* To this Councell none was cho-
sen under thirtie yeares of age, which time is stiled *βελδπικία* *μύρων*. in
ἡλικία by *c* *Libanius*. And doubtlesse *d* *Plutarch* iustifies it *Att. p. 27. l. 15*
speaking that *Demosthenes* wrote his Orations against *Andro-
tio*, *Timocrates*, *Aristocrates*, *ἐπεὶ τῇ πολιτείᾳ οὐκ ἐπὶ τῷ*
when hee had not attained to the managing of state businesse,
because he wanted two or three of thirty yeares. Agreeing
to this is *e* *Juncus*, who saies that *Solon* admitted none very *e* *Stobæus*
young, though very wise to Magistracy or Councell. Nay the *icim. l. 12.*
f *Scholiast* of *Aristophanes* tels us that greene heads were not *f* *In Nub. p.*
permitted to speak publikely. The Law prohibiting any to at-
tempt it under fortie, or as some say (which is true) thirtie,
on these words,

Κἄγω παρδίνῳ δ' ἐτ' ὡς, καὶ ἐξ ὧς πῶ μοι περὶ.

Which to be otherwise understood by some, is not hidden
from me. They were called likewise *ἡλικῆς*, as well as *Περ-
τακῆς*, and their Tribunal *ἡλικία*, from the word *ἡλικία*,
which

g *Vlp. in De-
mof. p. 445.*

Wlp. loc. lau-
date vide &
Aristoph. Sc.
p. 436.
Pag. 436.

Dem. Orat.
cont. Tim.

which signifies to throng together, because the people were frequent there. But the more probable reason is, ^h ἐν τῷ ἵππαι-
σεν ἢ τὸ πόνον καὶ τὸ ἥλιον ἐκείνῳ ἐνδόν περιέβαλλον, because the
place was open and exposed to the Sunne. And in respect of
this ⁱ Aristophanes makes that cold conceit branded by Didy-
mus, Εἰς τὴν ἡμέραν ὁ ἥλιος περιέβαλλον τὸν ἥλιον, In the morning thou
shalt περιέβαλλον in the sun shine. At their admission they had
this oath given them. ^k Ἐπιφύμαι κατὰ τὸν νόμον &c. I will give
sentence according to the Lawes, and decrees of the people of A-
thens, and Councell of five hundred; I will not consent to bee a
Tyrant, or bring in an Oligarchie: Neither shall my approbation
be to any that will dissolve the Democracie of Athens by speech
or decree I will not cutt off private use, or suffer a division of the
Athenian lands or houses. I will not bring back exild men, or
those that are condemned. I will not thrust out of the citie any
innocent against the Lawes and Statutes of the Athenians and
Senate of five hundred: neither by my selfe or suffer any other. I
will not create a Magistrate, who hath not given an account of
his former office, whether of the nine Archons, or agents for the
holy things, or they, who at the same day are chosen with the nine
Archons by lot, Ambassadors and assistants. Neither shall the
same man be in the same office twice, or two in one yeare. I will
not take gifts for iudgement, neither my selfe or other for me, or
others with my privacy, by fraud or deceit. I am not younger then
thirtie. I will heare both parties, the accuser & defendant alike.
I will passe iudgement aright on the thing prosecuted. If we are
by Iupiter, Neptune, Ceres. * There is also another oath
which they took; some clauses whereof, wee have left in re-
cord. To ratifie the Lawes of Solon. Plutarch in Solone, pag. 62.
To give counsell for the best of the people. To advise according
to the Lawes. I will not binde any Athenian who shall give three
fourties of the same revennewes, unlesse for treason, or hee con-
spire the subversion of state popular, or buy custome, or be enga-
ged, or gather publique money and not pay it. I will sit in that or-
der which lot shall direct me to. I will not permit any unlesse be-
necessa

If I trans-
gresse any of
these let me
and my house
perish but I
will ally
to the Lawes
according to
the Lawes
and
Dem. p. 470

nished, to be accused or imprisoned for what is past. This last was
made after the driving out of the 30 Tyrants, when ^a Thra-
sybulus gave them to oath καὶ μνηστειχάσειν, not to remember
ancient wrongs, which they call ἀμνηστία. The authority of
this Councel was great, for it handled causes of war, tributes,
making of Lawes, civill businesse and events, affaires of con-
federates, collections of money, performance of sacred rites, ac-
counts of offices discharged, appointing keepers for priso-
ners, and διαδοὶς of Orphans, as Xenophon. * Resembling our
Court of Parliament in England, by whose consent all Lawes
are abrogated, new made, right and possessions of private men
changed, formes of religion established, Subsidies, Tailles,
Taxes, and impositions appointed, waights and measures al-
tered, &c. As not unlike also the Venetian Gran Consiglio, or
Senate, of which the Contarene. ^d Tutta la cura del governo
della Republica appartiene al Senato, &c. The whole manner
of the Common wealths government belongeth to the Senate.
That which the Senate determineth is held for ratified and
inviolable. By their authoritie and rule is peace confirmed &
wardenounced. The whole rents and receipts of the Com-
monwealth at their appointment collected and gathered in,
and likewise laid out againe and defrayed, &c. In a word, I
may say of these five hundred, as ^a Budeus of the Parliament
of France: Amplissimam eam curiam causarumq; omne genus
disceptatricem iustam ac legitimam esse, that that Court is
most ample, and iustly and equally decided all sorts of contro-
versies whatsoever. ^b To their charge was committed the
making of new ships, for which at the yeares end they were
to be rewarded by the people. To this alludes ^c Aristophanes.
Ποδαπὸ τὸ γένος; Εὐ εἶδον αἱ παῖδες καὶ αἱ. Επ. Μάν. Ἡλιαστί;--
^d Without their consent could the people doe nought, as in-
deed they made not any thing *sanctum* against the peoples
wills. Hence in ^e Demosthenes, καὶ βαλὼν πῶσι τὸ δῆμος κα-
έω. In testimonie of their preheminnce are they termed
^f Κίεροι ἄνθρωποι. and εἰς αὐτὴν κώετοι. The Lords of sentence. In

^a Vide Xenop.
in Ἑλλω.
Cic. in Phil.
1. Velleium
Paterculum 1
2. p. 84. Ar. H.
Sch. in A.
Athen. cont.
Cic. in Phil.
^b Athen. Rep
p. 2. 407.
^c See Sir Th.
Smith in the
Common
wealth of En-
gland.
^d As Eranchi-
rio Anditimi
hath transla-
ted. lib. 3.
fol. 34. B.

^a In Pandect.
Philo. p. 298.
^b Dem. p. 385.
^c Ar. b. p. 546
^d Sch. Anth. p.
93.
^e Dem. p. 234.
^f Demosth.
p. 234.
^g Idem p. 234.
p. 234.

time of warre they would send Commissions to their Cap-
taines, as they thought requisite. ^a Such as in the battaile be-
tweene the *Lacedemonians* and their country men in *Tana-*
gra, where fearing lest *Cimon* banished by *Ostracisme* should
betray them to the *Laconians*, they sent to the Commanders
not to entertaine him in the Armie. This honour was not
during terme of life, but every yeare changed. *Apostolius*.
ἡ μὲν δὲ πεντακσίαν καθ' ἑκάστην ἐνιαυτὸν κληρονομήν Βυλλέν.
Which *Anonymus* in *Arg. Orat. contra Androt.* expresses by
κατ' ἐνιαυτὸν διεξέρχεται. The manner of choosing them is this.
The chiefe of every Tribe, on an appointed day before the
beginning of the moneth *Hecatombaon*, brought the names
of all their Tribe that were capable of this dignitie, and cast
them written into a vessell, and into another they put an hun-
dred white beanes and all the rest blacke; Then drawing
out a name and then a beane, to whose chance the white
beane fell to be extracted with his name, was designed Sena-
tor. This they did when they had but foure Tribes, and so
foure hundred Senatours. But when they had ten Tribes,
there could be but fiftie white beanes, to the making up of
the tenth part of five hundred. This differs not from the ele-
ction observed by the ^k *Venetians* upon the fourth day of De-
cember, when the names of all the young men that haue not
by lot obtained the right of citizens, nor passed twentie five
yeares old, are put into a pot, and carried unto the Prince, and
there the same set before the Councillors, with which there
is another pot, wherein are round balls equall with the num-
ber of the names written in the first, every one having his
markes, the fift part of these balls is guilded with gold, the rest
with silver. The Prince taketh out of the first pot the ball,
which if it be of the golden sort, the young man whose name
is drawne, is presently admitted to publique authority, they
to whom the silver chance, loose it for that time, expecting it
the ensuing yeare, unlesse in the meane space they accomplish
twentie five, at which age all the young Noble men partake
of

⁶ Plut. in Ci-
none p. 376.
150.

⁷ Verbo Em-
matus in De-
script. Resp.
Athen.

^k Contaren.
L. 1, fol. 11. b.

of the Cities liberties. So every yeare the fift part of the you-
kers is chosen to giue voice with the other Citizens. The use
in choosing I deem the same, & shall untill I finde authentike
writers cōtradict it. But the number, as augmented by *Clisibe-*
nes according to their Tribes, so by his successors. For when
they added two, the number was encreased 100, by reason of
the Tribes *Antigenis* & *Demetrias* after named *Attalis* and
Protemais in honour to the Kings of that name which were
benefactours to the State; ^a ὅθεν καὶ τὰς βελλῶν πεντακσίαν ἔσαν,
^b ἐξακοσίαν ἐποίησαν. Out of these were their Iudges chosen;
but such as were aboute three score yeares old. For although
juniors were admitted into this company, yet none judged
under that age. ^c εἰσὶν ἄλλοι μὲν εἰς τὴν δακτυλίαν, καὶ ἐδίδασκον.
To these was any businesse referred, of which the Senate and
people were in suspence what to determine. ^c *Aristoph.* *Εἰν*
δ' ἡ Βυλλὴ καὶ ὁ δῆμος ὅταν κείναι μίαν παρὰ γὰρ, ἀπορήσῃ Εὐφρο-
σαι τὰς ἀδικήσας τὴν διαρὰς ἀδικίαν. When the Councill
and people are in doubt how to iudge a great matter, They
decree to deliver over the guilty to the Iudges. And no mar-
vell. For the office of a Iudge is *κρίων κείνην*, prerogative in
sentence, saies ^d *Aristotle*, that is, to state those Questions
which the Law hath not decided. The order of their giving
sentence before the third yeare of the ninety second Olym-
piad I knowe not. Afterwards they sate by turne in their
own Tribes every one as his lot fell. For there being former-
ly ten Tribes in *Athens*, they chose out of each five men, and
to which one of them the chance happened, he sate Iudge. I
cannot say that the manner of election was like that of the
^e *Syracusans* concerning the Priest of *Iupiter*, who taking the
names of so many as were nominated, and casting them into a
pot, created him, whose name should first be drawne. of that
sacred function. But of our owne must I speake. ^f When then
they were appointed, they met, every of them bringing with
him a Table and a wand on which was written a letter that
did betoken some Iudicatorie, (For there being ten Tribunals
every

^a Stephanus
ἀπὸ τῶν
^b Arist. Schol.
p. 17.

^c In Vespil. p.
471.

^d Pol. 1. 3. c. 13
ἀπὸ τῶν ὀνό-
μας ἀδυνατεῖ
δικάζειν.

^e Cicero Vesp.
rem. Act. 2.
^f Arist. Phan.
p. 30.

every one of them was noted with a red letter, A, B, Γ, Δ, Ε & C to K. over the dore) time calling them to sit, they drew lots, and he to whom A. was taken out, sat in the Court noted with A. and B. with B, and so to K. This done, they shewed their lot to the *Prætor* of the Iudicatorie, who gave them their Wand & Table. This they did, lest any should rashly attempt to sit, and pervert Justice. I know not whether I may better call that rod of authority a wand or staff: because that *Βακτηρία* *ἡ γὰρ καὶ ἡ περὶ βακτον* *ἢ περὶ βακτον*, was a proverb used in division of the Judges. ^b This staff at the daies end they brought to the *Prytanes*, who gave them their wages; But the ^a Scholiast teaches us otherwaies, saying that the *Demagôgus* paid them, it being manifest out of *Cleon's* words the Oratour, *ὡς ἔχοντες Ἡλιαστὰς, θεότιδες περὶ νόμου, οὐκ ἐγὰρ βροχῶν*.— Judges which I feed. Their pay was not alwaies the same, *ἐκ ἰσάου*, ^b saies the Interpreter of *Aristophanes*. First they had *obolum*, which *Calistratus*, surnamed *Parnyses* was author of. Hence the proverb *ὀβολὸν δ' ἔσσι Παρνύτης*. Afterwards it was augmented by *Callicrates*, and from him grew the word *ἑξήκοντα*, it may bee for a pretty summe of money. Nay it changed, for now I read of *ὀβολὸς Ἡλιαστῆς* one, and anon *τρεῖς ὀβολοὶ* three, a ^c *Drachme* to two. And therefore may wee conclude that it was sometime more, sometimes lesse. Thus having spoken a little of their Judges, I proceed to their cases of Law, in which I shall adde.

When any had received wrong in *Athens*, it was their custome to make their cases knowne to a Magistrate, whose office it was to report to the Iudicatory. And this they did by a Table in which was written, *Ἐκτιζομαι τὸν δὲ τὸ δεινὸν εἰς τὸ δικαστήριον*. I accuse H. B. and cite him to the Court by W. N. not unlike the *Romans* proceeding, who brought the name of the delinquent to the Magistrate before the accusation; to which *Plautus* alludes. *Ibo ego ad tres viros vestros, ibi nomina Faxo erunt*.— when this note was given up, the Magistrate asked the Plaintiffe, whether hee had

^g Suidas pro-
verb.

^h Sch. Aristop.

π. 30.

^a In Equites.

pag. 301.

^b In Nubes

pag. 174.

^c Appendix

Vaticana.

^d Zenobius.

^e Sch. Aristop.

pag. 487.

^f Vlp. in Dem.

P. 343.

^g Aſinaria

Act. 1 p. 54.

witnesses and would prosecute the matter, who answering that he intended it, had thereupon authority to summon the Defendant to his appearance, and this hee did either by himselfe, or other, called therefore *κλητὴρ*, ^b for *καλῆσις* is *ἡ ἐν τῇ δίκῃ* ^h Sch. Arist. *καὶ εἰσαγωγή*, a bringing into suit. *καλῆναι δὲ εἰς δικαστήριον*. The word signifies a witness also. For when they warned any to the Tribunal, they bad any that stood by to testify that they had admonished them. *ἡ κλητὴρ ὃς οἱ καλῶντες εἰς τὸ δικαστήριον* ⁱ Sch. Arist. *πάντας ἐμμένει ὃ ἡ λέξις καὶ τὰ μαρτυρεῖ*. You may use *κλητὴρ* ^{p. 442.} for an apparator, Sergeant, Bailiffe or the like. Sometimes they would runne streight to the Court, as it were headlong, in ^k *Demosthenes* his phrase, sometimes the Suitor would forthwith draw the Defendant, if he were loath to come, as you may see out of ^l *Aristophanes*. *Καὶ ἔλκον αὐτὸν*.— But if the partie could put in two *ἀξιοχρεῶς*, sufficient bayle, he was dismissed. Hence in the ^m Comcedian. *Αλλ' ἐγγυητὴς σοι καταστήσω δύο ἀξιοχρεῶς*. I will procure thee a couple of able sureties. Sometimes they would appoint a day of appearance, that might be a weeke or more, after the *vocationem in ius*, at which time if the Defendant were not personally at the Iudgment seat, he came within compasse of *ἐρήμης*, a *Writ of Exemodicium*, refusal to come in and answer. Which was avoided by suing for a *μὴ ἔσσι* in tenne daies after. For when the partie to defend was absent, hee was condemned *indifferens*, to a *Budeus* expounds *ἐξ ἐρήμης καταδικασθῆναι*, by this therefore the case was renewed, and stood as at first. the sentence that before past, being made of no force; and for this was it termed *μὴ ἔσσι*, ^b *ὅτι πρότερον δικάσθη ἔσσι καὶ καταδικασθῆναι*. ^c *ἐν εἰς τὸ μὴ ἔσσι* ^d *παύσεται*, because in the beginning it seemed to carry some power, but at last was nothing. The businesse then made a new, the partie that was cast by an *ἐρήμην*, after that he had obtained a *μὴ ἔσσι*, was ^e within two Moneths to set the Law on foot, which they terme *ἀπ' ἀρχῆν δίκην*, or else the sentence given before was ratified. Whosoever should offer to call any man to the Court, unlesse upon good grounds, was

^h Sch. Arist.

ⁱ Sch. Arist.

^j Sch. Arist.

^k Sch. Arist.

^l Sch. Arist.

^m Sch. Arist.

ⁿ Sch. Arist.

^o Sch. Arist.

^p Sch. Arist.

^q Sch. Arist.

^r Sch. Arist.

^s Sch. Arist.

^t Sch. Arist.

^u Sch. Arist.

^v Sch. Arist.

^w Sch. Arist.

^x Sch. Arist.

^y Sch. Arist.

^z Sch. Arist.

^{aa} Sch. Arist.

^{ab} Sch. Arist.

^{ac} Sch. Arist.

^{ad} Sch. Arist.

^{ae} Sch. Arist.

^{af} Sch. Arist.

^{ag} Sch. Arist.

^{ah} Sch. Arist.

^{ai} Sch. Arist.

called ^m καγγαλιαι Cancellata, by the Greekes ^κκαγγαλιαι. ^a though ^κκαγγαλιαι more properly signify the doore of the ^δδυσ-
ⁿ Pollux lib. 8. p. 407. ^ο Pollux loco citato. ^ο This is ^ααρχινομα. Pollux. p. 485. ^a Plutarch. in Vita.
 called ^ααρχινομα, before which was ^οa rope of fifty feet length drawn, and publique servants set, that none might enter, but who had businesse. The partition I think was but weak, and there-
 fore by Demosthenes called ^ααδωνις καγγαλιαι. Within which none was permitted to come but the Iudges. And therefore when ^a Demosthenes did long to hear Callistratus plead con-
 cerning Oropus, he over entreated his Padagogue that he would bring him, where he might have the happinesse to be an auditor. The Padagogue therefore acquainted with the
 publique officers that opened the doores, ^ττὸς ἀδύρηντας τὰ δι-
^κκαγγαλιαι δημοσίῃ, procured him a place where he might hear and not be seen, ^εεἰς τὴν καγγαλιαν ἀδύρηντας ἀκούειν. When then
 the Iudges had gone within the bars, least any should be wanting the Præco cried ^ββῆτε πρὸς τὴν ἀδύρηντας ἡλιασθῆ, εἰσὶτω, if
 any Iudge be without the doore of the place of Iudgement, let him enter. ^c Because if any came after the case began to
 be pleaded, he could not have admission. Being then seated the Crier read the Inditement, ^εεγκλημα, (a copy of some part
 of which you have in ^d Demosthenes. ΕΒΛΑΨΕ ΝΙΚΟΒΟΥΛΟΣ ΕΠΙΒΟΥΛΕΤΣΑΣ ΕΜΟΙ; &c.) in which according to the cu-
 stome of the ^eold Egyptians, were given up to the court in writing all the reasons of accusation, the wrong received and
 the manner of it, with an estimation of the dammage; The severall heads of which the Iudges wrote downe, least the
 Impleader and defendant should swerve from what they had in hand. Then stood up the Suiter in a pulpit on the left
 hand of the Tribunall, and spake an accusatory oration, made for the most part by some of the Attick Oratours: which use
 brought in by ^{*} Antiphon the Rhamnusian, ^f Clemens of Alexandria calls ^δδικανικὸς λόγος εἰς τὴν ἀδύρηντας γράφειν, ^g Cicero scribere aliis causas, quibus in iudiciis stercentur, such as Lysias
 is reported to have done for Socrates: Which least it should exceed in length, was limited to a certain time, by a vessell,

in the bottome of which was a small hole for water to runne, as sand doth in our houre-glasses, thence called ^κκαγγαλιαι, in-
 to which was poured an equall measure of water; and least there should be deceit, there was an officer made for that
 purpose, named ^hἐφύδωρ, ὁ παραφυλάττων τῷ ἰσότητι τῆς κλεψύδρας, filling alike for the Impleader and answerer. ⁱ When
 therefore the glasse was runne, it was not lawfull for them to speak farther, ^k nay for scantinesse of time they were com-
 pelled to passe by many things; and for that reason were they chary of their water, bidding that it should be stopped at the
 reciting of Lawes, or the like, which Demosthenes intimates in-
^λἐν δὲ ὅτῳ λαβὴ τὸ ὕδωρ ὡς ῥίπα ὁπλᾶμβάνει is to stop the nose in ^l Aristophanes. ^m Apuleius. Attu interea dum legit, a-
 quam sustine. Pancirollus. Ne si aqua interim effluxisset, amplius sibi dicendi præbita foret facultas, least he might not
 have leave to speak any more, if the water were spent. If any would give way to another to speak while his glasse was run-
 ing, he might; which Demost. testifies, ^εεἰς τὴν κλεψύδραν λαίπει. But if he would not permit it, he had the Præco cast it forth
^a ἐξέειπε τὸ ὕδωρ. ^υUlrian. Τυτέστιν ἐκβαλλας, From which kind of pleading it grew into a proverb ^bπερὶ τῆς κλεψύδρας, ^c Cicero, ^υad clepsydram, to speak by the houre or an allotted time. His
 speech being ended, he fate down. ^d The defendant then sitting all that while over against him, untill he had finished,
 after addressed himselfe to his answer, which he made from the right hand of the Iudicatorie; where he had a pulpit, and
 station; For this reason saies ^e Aristotle, because they would make both parties equall, For the Suiter having the better
 part, they gave the upper hand to the defendant. Or because ^δοἱ ἀδύρηντας or defendants, were for the most part in custody;
 If therefore the guard stood on the right hand, the defendant stood there also. Thence then he pleaded for himselfe; in
 which plea, he was only to wipe out those accusations which his adversarie laid against him, ^f μόνον καταργηθέντων αὐτοῦ ποινῶν,
 εἴη, And in that had the plaintiff a prerogative. For he might

g. Ioco lau-
daro.

o Demosth.
119.

i Clemens

Alind. These

and certain

pettyfoggers

under them,

that admini-

tered the

Laws and

names of a-

tion. Cicero

apud Græcos

infimi homi-

nes mercedu-

lâ adducti mi-

nistros se

præbent in

judiciis Ora-

toribusque, qui

apud illos

πρὸς μαρκῶν

vocantur.

i Corneliana

Vide at Atti-

com. l. c. 13.

i Vide Lici-

num in nota

710.

object what he would; nay and as *Aristotle*, forecast all be-
fore he commenced his suit, and feigne to himselfe what he
pleased; The defendant, perhaps innocent, was at that instant
to clear himselfe, ^h either by witnesse, or probabilities, of
all doubts, whatsoever the plaintiff could cast in. Sometimes
the Plaintiff and Defendant would desire Advocates of the
Judges. *Σωκράτης*, hence ⁱ δὲ μὲν *Σωκράτης*, to plead for a
fee. In the time of their pleading, witnesses were called,
who came in, and gave their testimonies, and after they had
uttered what they had to say, they went to the Altar (as it
seemes to me, either in, or very nigh the Iudicatorie) and
swore. ^k *Cicero. Athenis aiunt cum quidam apud eos sanctè*
graviterq; vixisset, & testimonium dixisset publicè, & ut mos
Græcorum est, jurandi causa ad aras accederet, una voce omnes
judices, ne is juraret, reclamassent. They report that in Athens
when a certain man (^l *Xenocrates*) who had lived Godly and
gravely among them, had given witnesse, and as the fashion
of the Greekes is, approached to the Altar to take oath, all
the Iudges with one voice cried that he should not. (They
would not, it seemes, have belief rather be bound with re-
ligion then truth) Fit to this is the answer of *Pericles* to a
friend of his desiring him *μαρτυρεῖν ἑλθέεις* to testify a lye,
which he was to avouch with an oath, I am your friend,
quoth he, to the Altar, that is, as farre as conscience, religi-
on and honesty shall permit: hence *ἀρχὴ βωυὸς οἶλθ' ἢ ὕψ'*
ad aras, grew, I suppose to be a proverb. *Plut. Apophth. p.*
112. Whether in this ceremony they touched the Altar, I
cannot justly say; in delivering their testimonies they were
wont to touch the tips of the eare (for reason to me un-
known;) called *λοβοὶ* from *λαμβάνειν*, *etymologicon*; (But I
rather may suppose it to be a Roman fashion, where the
Plaintif was wont to pluck his witnesse by the eare, for re-
membrance sake. *Horace lib. 1. Sat. 9. Licet attestari? ego ve-*
ro pono auriculam. To which *Virgill* looked, saying *Cyn-*
thius aurem velle & admonuit. Eclog. 6.) and at the end
thereof

thereof with all destruction to themselves and house if they
dealt falsely. Which if they did, they were subject to a writ
ἑλθέειν, of false witnesse, and he that suborned them
πομπήν. Sometimes the witnesse was not present at the
doing of the wrong, but took it from others by hear-say,
which the Greek Lawyers terme *ἀκοή*, as ^m ἀκοή *παραπαισίων*, ⁿ *Demosth.*
when they take it from those that are dead, which went for pp. 610. 634.
current, and was allowable: But to bring a testimony from
the Mouth of one that was alive, and within the territories
of *Athens*, it would not passe. As neither theirs who were
discarded the liberties of the Citty, *ἀπαί*; or servants, or any
man in his own cause. ^a The manner of witnesse was two-
fold, either by personall appearance and testifying *ὑποστυ-*
πῶς, and then he was called *μάρτυς*, in no case lyable to the
Law, *ὑπόδικος*: or else by writing, by which he offered him-
selfe to his questions or attachments in Law, against whom
he witnessed; if he were not true; and this is *ὑστύρια*. Both
parties being heard and the altercation ceased, the *Præco* cri-
ed, *To whom E. N. hath seemed to violate right*, (so they inter-
pret *ἀδικεῖν*, *jus violare*) *let him cast in the black stone, or hol-*
low, to whom he seemeth not, the whole or white. For we must
know that anciently the Greekes gave their sentences with
black and white pebles, called ^b *χοῖλαι* (which the French
semblably terme *Porcellaines*, *χοῖρα* *porcus*) ^c *Ovid.*
Mos erat antiquis, niveis atrisq; Lapillis,
His damnare reos, illis absolvere culpa.

The antique fashion was with white stones to absolve, with
black to condemne the accused. Pertinent to which is the
saying of *Alcibiades*, when he was called out of *Sicilie* to goe
home and answer for his life, counting it foolish to goe
thither, whence he never was like to escape; when one as-
ked ^d *ἂν πιστεύῃς τῇ πατρίδι πῶς σε σὺ κρίνει;* Wilt thou not trust
thy country which begat thee to be thy Iudge? *οὐδὲ τῇ μητρί-*
δι, quoth he, *δέδοικα ὅδ' μὴ ἀγνοῖσθαι ἢ σφαλεῖσθαι τῷ ἀληθέει,* πῶς
μέλαινα ἰμβάλη αὐτῇ ἢ λευκῇ ᾤσθον. No not her, that brought
me

^b *Aristoph.*

438.

^c *Metamorph.*

15. E. 1.

^d *Adrian. Var.*

lib. 13. c. 35.

^e *Plut. Mor. p.*

140.

me forth. For I fear least shee being ignorant, and not conceiving the truth, mistake the black for the white stone. The black made *tristem sententiam*, and was so named; the sad sentence; the white *candidam* or acquitting. They used likewise black and white beanes; in respect of which *Pythagoras* is thought to have spoken as a riddle *κυάμους μὴ ἐδίδειν*, not to eat beanes, by *c Nonnus* interpreted *μὴ περιδιδόντας τὸ δίκαιον δωροδοκεῖν χρημασιν*, Not to undermine justice with bribes; or that men should get by the perverting of equity. I see no reason, but that I may think he meanes men ought not to be forward in getting places of Iudgement. For *κυμαπορῶς* in *Aristophanes* is by the Scholiast expounded *δωσις*, and *ε κυάμους πρῶτον* is used for a Iudge, which properly signifies an eater of beanes. But afterwards they had little pellets of brasse; The bloody ones of them were peirced through, therefore termed, *πυλὸν πυλῶναι*: the saving were whole, *ἄτρυτοι*. Of these every one took, of each one, from the Altar, as I have said, *i* where laying their hands upon the *ψῆους*, or bals, they intimated by a transposition of them (as from the black to the white, and from the white to the black againe) that they would not for envy or by respects, but indifferently and truly judge. When then they were ready to passe sentence *a* the *Præco* carried about the *κάδον* or *κάδισκον*, a certain pitcher (for so *b Xenophon* calls it, *ὕδριαν*) having on the mouth of it a conveiance like a Tunnell, named *κημὸς*, but the top thereof was covered close, except a little hole for one pellet at a time to be put in, made for avoiding of deceit, I suppose, least one man might cast in more; and therefore were they to touch the *ψῆον*, only with the forefinger, middle, and thumb. *c Aristoph.* *Τὸς τρεῖς λαμβάνοντες δὲ δακτύλων, ἀνίσταται*. But we must know that the black and white pellets were not promiscuously cast into one pot, but two; *d* The one which freed was made of brasse called *σέπτερος*, whether because they first threw into it their voices, or because it may signify the better, I know not; The other that condemned, being

woodden *ὑπερ*. After the Crier had gone round with both, because some would keep their bals, and for favour not give their voice against a friend or great person, therefore he cried *ε τίς ἀψήφισθ' ἀνιστάσθω*, Who hath not cast in his ball? let him rise. So he rose and threw it in. Then they took them out and numbred them; and in matter of lands, mony or the like, whose vessell (for there were as many set as the number of the litigants came to) had most; got the upper hand. At the counting of them a Magistrate stood by with a rod, and laid it over those that were told, least they should mistake the one for the other or wittingly doe it. For so were they wont to doe; thence named *ε ὑποκλίσθω*. Which *ε Tencer* objects to *Menelaus* about *Ajax*, when by his deceit the armour was given to *Ulysses*; and therefore he calls him *κλίσπῳ ὑποκλίσθῳ*. Sch. *ἔλιον κριτῶν*: not amisse *ὑποκλίσπῳ*. *δ* When the number was known, if the white or solid bals were more, they took their tables, which they had in their hands, and drew a short line, as a token of absolution; if the black or hollow were more, they drew a longer line, as condemning. Hence *ε ἄσασ πᾶν μακρόν*, may be used, for to condemn every body. The thing it selfe they termed *κάλον*, *κλίσιν*, as *Aristophanes*. By this the one party being overthrown (as none ever was without the sentence of the Iudges) his adversary wrote down what dammages he should pay, which they terme *ἐπηγέρειν*. *m Plutarch.* *Ἄρα πάντα τήμημα ἐχάσθη ὅς δὲ δικὼν ἐπηγάδαμ' ὅ*. *n* For it was a use of old for those that went to Law to make agreements (I know not whether by oath, for they did sweare by three Gods *Ἰκέσσι*, in *καθάριστον*, *Ἐξαισήμεον* and put it into the *Echinum*, that they would stand to such and such conditions, before sentence, that he that was cast should undergoe somewhat; and afterwards *ἐπηγέρειν*, that is set down what losse of limbs or life, or meanes &c. For although they did *ο ἐπεγέρεσθαι* give their estates as pledges to answer and meet at the Court; yet it may be that might be lesse or more then the fine. There was

ε Aristoph.
Vespis.

f Schol. Naz.
in *σμλ.*
g Sophocles
Ajacc. p. 68.
h Schol. Arist.
438.

i Aristoph.
Vesp. loco.
cit.
k Pag. 491.
l Aristoph. p.
472.

m *εἰς* *σμλ.*
p. 454.
n Schol. Arist.
σμλ. pag.
50.

o Schol. Arist.
740.

in causes capitall an other proceeding, like to that in the City of *Uenice*; where they gave two sentences. In the first they determined whether they should condemne or free; If in the first he was condemned, the manner of punishment was ordained in the second. But if in the first they found no cause of death, they bad the accused to fine himselfe, which *Xenophon* intimates by *καταμύων*, and if it were too little the Judges doubtlesse made it more, as the *Scholiast* of *Aristophanes*, if I forget not: The custome is set down by *Cicero*, speaking of *Socrates*. *Ergo ille quoq; damnatus est &c.* And he too was condemned; nor only by the first suffrages, but also by those which by the appointment of the Lawes they were to give the second time. For in *Athens* the accused being found guilty, if the offence were not capitall, they weighed and considered the penalty. When the sentence was to be given by the Judges, they asked the defendant, what he thought himselfe to have deserved to forfeit, &c. (In the *Venetian* Common-wealth this is not observed.) In tryall if there be more for the prisoners liberty, then against him, he is straight acquitted, but if more then halfe be in the pot of condemnation he suffers. *Socrates* at the first had two hundred eighty and one more against him, then on his side; and at the next eighty more were added to the former, so in all he had three hundred threescore and one condemnatory suffrages. But fewer might have done as much. For we read in *Demosthenes* of *Cimon* like to be punished with death *ἢ τρεῖς μὲν ψήφοι*, if three had not been wanting. And againe *τρεῖς ὁ μόνος ψήφος δίδωκεν τὸ μὴ θανάτου πμῆσαι*. Nay one was sufficient, & *Demosthenes*. *Μία μόνον ἀλῶναι ψήφῳ*. But *Elpian* on the place *ἄτε μὲν δίδωκεν πτωχίαν*, saies, that he was lightly punished. *h* If the voices were equall, then was the prisoner loosed; because sometimes he might be accused upon suspicion; or of those things which he did not willingly commit, or perhaps was sued out of envy, and many other reasons given by *Aristotle*; therefore did the Lawgiver leave

a Contaren.
de Rep. Ven.
lib. 3.

b Apolog.
Socr. p. 265.

c De Orat. 1
fol. 61. b.

d Livorius in
Socr. p. 115.

e Pag. 436.

f Pag. 430.

g Pag. 333.

h Aristoph. p.
244.

i Probl. 7. μ.
xθ.

leave some place for pitty and compassion. To which the Judges were often moved. And therefore would they plead the *k* deserts of their ancestors; their own liues formerly well led. *l* Sometimes shewed they their wounds; and brought the venerable gray haire of their parents, but *m* mothers chiefly, to intercede in silence: Sometimes embracing their children in their armes, they held them up in the Judges view; or caused them to *a* come up into the *εἷμα*, or pulpit, & supplicate with teares; which wrought so much upon the Judges, that *b* *Aristophanes* in a scoff presents one *σπαραγίσσαντα τὴν τὴν γούρην*, drowning his sentence in weeping. Then in compunction would the Judges speak to the prisoner, *c* *κατὰ βῆμα*, wishing him to goe downe from the *εἷμα*, a token often of mercy; though now and then it proved otherwise. Nay it was a word of displeasure too, as when *d* *Plato* would have beene Advocate for *Socrates*. *Νέμελλος ὦν, ὃ ἀνδρὲς Ἀθηνῶν, ὅτι πρὸς βῆμα ἀνελθόντων*, they thundred out, *καταβάντων. τῷ τῷ ἰσχυρῷ*. Neither may I forget *e* *Amyntas* the brother of *Æschylus* the Tragedian, who, when the people would haue stoned his brother for some impietie brought on the stage, held up his elbow and arme without a hand, lost in the fight at *Salamis*: by which spectacle the Judges calling to minde the merits of *Amyntas*, dismissed the Poet. Neither may I omit what *f* *Xenophon* objects to them, that they cared not so much for iustice, as regarded what might conduce most to their owne profit, and be convenient: *g* And that they condemned innocents, and spared offenders that could speake well. Furthermore another fault of theirs was the prolonging of cases a whole year, saies *h* *Xenophon*, and *i* *Aristophanes*. *Ἄν' ἔχι νομὶ τὰς ὑποδικασίας τῆς ἑσπέρου, ἀλλ' εἰς αὔριον ἀναβελήματα*. Now we doe not handle suits of about threescore yeares, but we are put off untill the next day. *τὰς ἐν τῷ δικασίῳ ἐκδιδομέναις*. For wee come to triall within twenty yeares. This *Xenophon* imputes to the multitude of their imployments. As long as the case hung in suspense, the name of

k Dem. p. 492.
l Aristid. T. 3.
p. 292.
m Dem. p. 493
n Aristid. loco
cit. παρὰ
ἀναβιβάζον.
a Aristop. pp.
469. 499.
b Veip. p. 499
c Sch. Ar. 500
d Libert. Socr.
p. 115.
e Athen. Var.
hist. l. 5. c. 19.
f Athen. Rep.
p. 78.
g 75. 753.
h They are translated foolishly into latine.
i εἰς αὔριον
is what the
Proctors in
the Court Law
usually mean
by in proximum, in pro-

the accused was (as among the Romans, whence ^k *Rei pendu- li*) exposed in a publique table to the view of all men; which they terme *ἐκκλῆσις*. *Demosthenes*. ἵνα ἐκκλῆσις πρὸς ἅς Ἐπωνύ- μων. *Vlpius*. περὶ τοῦ ἐκκλῆσις καὶ πᾶσι βλέπειν. You see here the place too, viz. at the Statues of the *Eponymi*. Before a man was convicted, all that they objected to him was but *αἴτια*, by ^m *Demosthenes* termed *ἄλως λόγος*, a bare report; but after prooffe *ἐλεγχος*. ὅταν τις αὐτὸν πῆς, καὶ πάλιν οὐκ ὁμῶς δέξεται. After iudgement past, ⁿ *ἀδικήματα*. An inditement of sacrilege, theft, murder, treason, is but *αἴτια*; the evidence and conviction makes it *ἐλεγχος*, the sentence *ἀδίκημα*.

CAP. III. SECT. II.

De Areopago, & eius appellatione. Areopagite.

ON the hill, on which the *Acropolis* was built, stood the *Areopagus*, in the old translation of the Acts of the Apo- stles rendered *Vicus Martium*, by our Englishmen, *Mars his Street*, falsely. For ^a *πῶς* & beares not that signification, but what ^b *Infin Martyr* interprets, *ἡ ἐκκλῆσις πᾶσι*, an eminent place. *Ev* γὰρ ὁ Χθὺς πρὸς τὸ ἐκκλῆσις τὸ δικαστήριον. For that Iudica- tory was on a high rock. Therefore named by ^c *Æschylus*, & ^d *Euripides*, *Ἀρεῶς ὄρεος*, by ^e *Ovid*, *Scopulus Mavortis*, and ^f *Ennius*, *Areopagica petra*: so called, as fond Antiquitie would haue it, & from the judgement of the twelve Gods upon *Mars*, for killing *Halirrhothius* the sonne of *Neptune*. But ^h *Infin Martyr*, because he was there arraigned of advou- tery, *μαρτυρίας ἐκκλῆσις δικαστὴς ἔδωκεν*. But alike true. It pleases mee well to consider the superstition of the ancients, that conse- crated high places to their deities, and erected the statues of their Gods upon hills. As ⁱ *Parnes*, *Hymettus*, *Anchesmus*, comes from *πῶς*. Because built neere a well. *Perot*. ^b In Acta p. 136. ^c Eumenidib. p. 296. ^d Elect. p. 836. ^e Metamorp. l. 6. fab. 2. ^f Vide Scalig. in coniect. ^g De- most. p. 413. ^h Paul. p. 26. ⁱ Simeon Met. & Pachym. in vit. Dionys. Areopag. ^h Loc. citato. ⁱ Paul. Attic. p. 33.

whence

whence *Impiter Parnethius*, *Hymettius*, *Anchesmus*. And as in *Athens*, *Neptune* had a hill *Ποσειδῶνος πῶς*, *Saturne* another *Κρόνου πῶς*, *Pan* another. *Πανός πῶς*, *Mercury* another, *Ἐμμενίδης πῶς*, to *Mars* his *Areopagus*. ^k *Æschylus* giues it a nomina- tion from the *Amazons*, sacrificing to *Mars* there, when they came and fought against *Theseus*. Or if you will receiue the opinion of others, it takes the name from the cases in it hand- led, of blood wilfully shed: so *Hesychius*, *Ἀρεῶς πῶς*. That when ^l *Iuvenal* calls it *Curiam Martis*, you may interpret it, *The Court of murder*, but willingly committed. This is termed by the ^m *Tragedian*, the most uncorrupt, sharp, reverend counsell, then which nothing is more constant (saies ⁿ *Tully*, comparing to it the Roman Senate) nothing more severe, as by ^o *Pseudo Dictys Cretensis* it is styled *Iudicium severissi- mum per omnem Græciam*. Then which none iudged better, more iust, or honest, saies ^p *Xenophon*. ^q *Plutarch* writes that this Court was ordained by *Solon*, and ^r *Cicero* received the like opinion; but that seemes to contradict it, which *Plutarch* presently brings, quoted in the thirteenth table, that they who had lost their liberties should be restored againe, unless they were condemned by the *Areopagites*, *Epheta*, *Prytanes*, *Basileis*, of murder, slaughter, tyranny, when that Law was en- acted. And by and by, *ἵστας γὰρ οὐδεὶς Σέλευρος, &c.* Who were condemned in *Areopagus* before *Solons* time (if he first instituted the *Areopagites*.) ^s Others are of opinion, that *Solon* added the *Areopagites* to the *Epheta* (Iudges so called, because when formerly the *Basileus* made inquisition after murder unwillingly committed, *Draco* made it ἐξέσμιον, that is. trans- lated it to the *Epheta*, their number was but fiftie one. And though they iudged in five Courts once, yet by little & little they became ridiculous.) ^t *Possardus* saies, he abolished their severity, and substituted the *Areopagites*. But ^u *Irbo Emmius* more probably, that *Solon* was not the Author of this Senate, but brought it into a better forme, made it more strong and firme, and augmented the power of it. For *Draco* it seemes

Q

lesence

lessened the authoritie of it, deriving it to the *Epheta*; *Solon* restored that authority and made it greater. ^b To this company none were admitted, but wise, wealthie, and noble men; famous for good life, and innocencie, τὸ δὲ πᾶσι ἀνεπιτέλλον. whom no man could iustly charge of misdemeanour. Nay, men, whose behaviour was intolerable, ^d ἐν τοῖς ἀνοίς παρόντων ἀνεκτὸν οὐκ ἔστιν, after they were chosen into the Colledge of the *Areopagites*, abhorring and blushing at their former dispositions, ἀνέντες τῇ φύσει χρεῖται, changed their natures, & embraced vertue. The number of them is uncertaine, ^e *Nicephorus* makes them but nine; as *Maximus* too out of ^f *Philochorus*; *Pachymerius* fiftie and one. But what *Maximus* produces after, is somewhat, that they consisted of fiftie and one, beside the Nobilitie most wise and rich. πῶς ἔξ Εὐπατριδῶν καὶ πέντε καὶ εἴκοσι ἀρχόντων. By which words hee seemes to ayme at the nine *Archontes*, & who when they had governed one yeare, and given an account of their offices, and had administred all things iustly, were chosen yearely into this societie. For which election annuall, the number was doubtful. For some might die in that space, or all liue, and in the next yeare be encreased. *Volaterran* out of an old inscription in *Acropolis*, that they were three hundred, τῶ ΛΑΜΠΡΟΤΑΤΩ, &c. To the most famous *Rufus Festus*, *Proconsul* of *Greece* & *Areopagite*, the councell of *Areopagus* consisting of three hundred; and the people of *Athens* setup this monument for a testimoniall of his good will and benevolence. But that might only happen when this was erected. ^h They continued all their life time in this dignitie, and were never put out, εἰ μὴ πινυλάως ἢ ὕβρι, unlesse for some grand offence. ⁱ *Bozins* tells us (how true I wot not) that they were all Priests. *Athenienses olim*, &c. The *Athenians*, quoth he, did strive to challenge to themselves the prerogative of wisdom, and to them is it bent what the Apostle saies, *The Greekes seek after wisdom*. Nevertheless their *Areopagus*, who had the power of all things consisted of Iudges that were Priests, and the High Priest

Priest of all that asked every of their sentences, took the suffrages. Their authoritie was unlimited. For ^k they were officers of all, ^l Iudges of wilfull murders, wounds given out of pretended malice: which would make some, having a desire to drive a man out of *Athens*, goe to a Chirurgeon and make an incision in their heads, that they might sue him who they hated, upon an action of battery, as ^m *Mantitheus* against *Baotus*. They sate upon incendiaries, and poisoners, if the partie died that took their doles. ⁿ They saw that the Lawes should be put in execution, such as *Contaren* would have in *Venice* to be Guardians to their Statutes. ^c In a word all great delinquencies came under their censures. They inquired into the behaviours of men; and we read in ^d *Xenophon* that they sharply reprov'd a young man for his loose living. ἀναγλαστομένην αὐτὸν ἢ ἀρεῖα παρὰ τὸν, &c. saies the *Dipnosophist*. ^e *Talerius Maximus*. Est & eiusdem urbis sanctissimum consilium *Areopagus* &c. There is likewise in that Citie the most sacred Councell *Areopagus*, where they were wont most diligently to enquire, what every of the *Athenians* did, by what he gaine he maintained himselfe, and what his trade and actions were. That men, knowing and remembring that once they must give an account of their lives, might embrace honestie. ^f The Greek author tells us that except in great cases of necessity they medled not with state affaires, but it seemes otherwise. For if any one say, quoth ^g *Tully*, that the *Attick* Republique can be well governed, without the councell of the *Areopagites*; he may as well say that the world may be governed without the providence of the Gods. When the *Medes* and *Persians* invaded *Greece*, by the advise of them was the war waged, wherein *Themistocles* purchased an everlasting memory of a victory. ^k And when their publique Treasury was bare, they furnished each man with eight *Drachmes*, and stored the ships with Mariners. Which advise, when they had wonne the day, was a cause, saies ^l *Aristotle*, ὥστε γὰρ πυνύσαι τὴν πόλιν, to give strength and sinewes to the

^b Vide Maximus in Prologo ad S. Dionysii Opera & Nicephorus 2. in vita Dion. ^c Pachymerius d. hoc in Areopag. p. 133. ^d Loco supra laudato. ^e Art. d. l. 2. ^f Anonymus in Argu. Oratio. Andron. ^g They were of these Magistrates that were chosen by Lot, as the Archon, The. Smoether, Basilus, Polemachus, for which cause Pencil was not of that number because he never attained to these offices. Plut. in Peric. p. 113. ^h Anonymus loco laudato. ⁱ De statu Italiae adversus Machavel.

^k Plutarch. Solon. p. 63. ^l Athen. Var. l. 15. c. 15. ^m Dem. p. 400. ⁿ Demosthen. Orat. 2. ^o Dem. p. 445. ^p Pachymer. ^q In Synops. unlesse I am extremely ignorant. ^r quoted likewise by Athenæus Dipnosophist. l. 4. p. 167. ^s Lib. 2. c. 6. ^t Aristides T. 1. p. 331. ^u ἢ ἐν τοῖς ἑλέταις. ^v ἀπὸ διόδοτου. ^w ἐπὶ τῷ νόμῳ. ^x πρὸς ἀνάγκη. ^y Anon. Arg. ^z Orat. Andron. ^{aa} De natura Deorum. 2. ^{ab} Eit enim bellum gestum consilio Sinusæ. Cicero Off. 1. ^{ac} Plutarch. in Themistocl. pag. 84 l. 3. ^{ad} Polit. l. 5. c. 4.

m Isocrates

Reop. p. 132.

Commonwealth. ^m Under their sight were all the youth of Athens. For this reason especially, because that when they were reckoned among men, and were come to age, they needed more care to be had of them, then when they were children; not observed by our countrymen in sending their sonnes young to the *Innes of Court* youth and heat of blood, unstaidnesse in iudgement, rashnesse in adventures, and pronenesse to vice, leading, or rather carrying headlong tender yeares to their owne destruction. To them appertained blasphemies against their Gods, violating of religion, and divulging mysteries, as when ^a *Enryclides* the *Hierophanta* in answer to the question of *Theodorus*, *Τίς ἐστὶν ὁ ἀστυντής* *καὶ τὰ μυστήρια*; who offended against the mysteries? *Οἱ τοῖς ἀμύητοις αὐτὰ ἐκθέσθης*, replied, such as open them to those who are not initiated. Therefore, quoth the Philosopher, art thou impious. For which crime, had not *Demetrius Phalerens* befriended him, the *Hierophanta* was in danger, ^e *ἔς Ἀρεῖον ἀναχθῆναι πάλιν*, to haue beene brought before the Councell of *Areopagus*. By vertue of which authority *S: Paul* was here judged for teaching strange Gods (as they supposed.) ^a For although that the *Athenians* were under the *Romans*, yet their Lords made them *αὐτοβύται*, *sui iuris*, and permitted the to keep their ancient customes. The manner of proceeding in this Court, was thus. After the fellowe committed, the appellant brought his inditement to the *Basileus*, who giving the prisoner and his accuser audience once a moneth, at three severall times to debate the businesse, in the fourth moneth, brings in the accusation to the *Areopagites*, ^b and putting off the crowne which he was wont to weare, sate down as iudge with the *Areopagites* in the dark: for they iudged by night, saies ^c *Lucian*, that they might not regard the speaker, but what was spoken. It being there forbidden ^d *ὡς οὐκ ἐξέσθαι καὶ ἐκκλῆναι*, to moue to compassion, and use Proems, as in other Courts, wherein they craved the Iudges favour and attention, which by *Demosthenes* are termed ^e *παραγῆρες*. This ^f *Aristotle*

n Laert. lib. 2.

m Aristippo.

p. 134.

a Symeon

Metaphrast.

b Pollux l. 8.

c Hermotom.

p. 505.

d Pollux. p. 8.

405.

e Vile. Vip.

in Demost.

pag. 396

Aristotle calls *ἔξω τῷ ἀρχαίῳ λέγειν*, to speak beside the matter. Before the triall both parties swcare (which they stile *ἑθωσσίαν*) The appealer standing upon the testes of a Goat, a Ram, and a Bull (usuall to the *Greeks*, as *Tyndareus* swore the Suiters of *Helena*, that they should revenge any wrong done to her and her predestinated husband, ^h *ὅτι τῷ ἱππῷ καὶ τῷ μύῳ, καὶ τῷ βοῷ*, and *Hercules* to the children of *Helens* *ὅτι τῷ μύῳ καὶ τῷ βοῷ*) took oath, therefore named *ἑθωσσίαν* *ὅτι τῷ μύῳ*; in which he maintained that he dealt iustly and rightly, and that he was ioyned in affinity to the slaine man; ^k which if he were not, hee could not prosecute, the Law forbidding. The reason why he stood *ὅτι τῷ μύῳ*, I suppose is, because they are the instruments of generation, and in that oath, if he were not true, hee wished an extirpation of his house, himself, and his posterity. In which if he were periured, he was liable to no punishment, as among the *Romans*. ⁱ *Iurisjurandi contempta religio satis Deum ultorem habet*. For swearing is punished by a revenging God, but if any swore false by the life of the Prince, he fell under the *Julian Law*, *Lesæ Maiestatis*. After this the prisoner swore; which among us will not be allowed. Then setting each of them upon ^a two silver stones, one of which was named *λίθον ὀφθαλμοῦ*, the stone of iniury; the other *ἀναδείας*, by ^b *Adrian Iunius* thought *ἀναδείας* of innocence, not impudence. Then the appealer asked the prisoner three questions, which ^b *Aeschylus* calls *τρία παράσματα*. First, whether hee were guilty or no, ^c *εἰ κατέκτανε*; to which he answered, *ἐκπύα* or *ὐκ ἐκπύα*, yea or nay: secondly, *ὅπως κατέκτανε*; for what reason he did the murder. Thirdly, *τίς ἐκείνου*; who were the Abettours. Then arose there certaine Lawyers, *ἐξηγηταί*, who shewed whether the murder was committed ^d *συν δίκῃ*, in justice. (^e For in *Athens* there were such Councillours, to whom in matters of difficultie they had resort) By *συν δίκῃ*, you must understand those causes, in which ^f *Draco* thought it lawfull to kill a man. As taking him committing uncleaneesse with wife, mother, sister, daughter, or concubin, or any whom he

g Pollux loco

laudate. Dem.

cont. Aristocr.

p. 413.

h Pausanias

Lacōn. p. 103.

i Idem Meda-

niacis. p. 126.

k Demosth. p.

608 & 410.

These agreed.

saies Pollard.

about the pu-

nishment ac-

cording to the

damage re-

ceived. De A-

then. Mag. p.

449.

l Lib. 2. C. de

rehabred.

a Pauf. Attic.

p. 27.

b Eumenid.

p. 292.

c Ibidem.

d Aeschylus.

p. 293.

e Demost. vid.

p. 647.

f Demost. p.

312.

Vid. Demost. he accounts among his children; the partie so offending might
cont. Aristocr. be slaine in the manner by him, against whom he had trespassed. Likewise, in the defence of a mans goods, if the theefe were killed, impunity was granted. After this inquisition, they passed to sentence, which was given very privily, as *In uenial intimates, Ergo occulta tegetes, ut Curia Martis Athenis*; without speaking (as the *Tabellares sententia* of the Romans, in which they wrot C. if they condemned. A. if absolved. N.L. if the case were not manifest) hence *Ἀρεοπαγίτης* *σεμνότερος*, for one that is close and silent; and *Ἀρεοπαγίτης*, for one that is graue, and who can hold his peace, and in whose countenance is *strictis severitas*. *ὅτι ἢ σινοδρωτῶν ἢ ὑποσημαίων ἢ σιωπηλῶν*. Whatsoever they concluded of, stood irrecoverable, ^h neither could there be any *appeale* to another Tribunall. And no marvail. For so upright was their sentence, that none, either Appellant or prisoner, could ever say, that hee was uniuistly condemned. Nay both parties, as well those that are cast, as they that cast, are alike contented. ^k *ἡ τῶν ἀμφὸς ἐργασίαν ὁμοίως τοῖς κατακτείνουσιν*. After doome the prisoner was to suffer death. In which execution also the *Areopagites* had a care least the innocent should be punished with the guilty. ^l When therefore they had condemned a woman for poisoning another, they deferred the execution, because shee was great with child, and straight way after her delivery put the mother to death. Which custome is by us also observed at our Assises. ^m It will not be amisse to relate one memorable thing done in the time of *Dolabella* Proconsul of *Asia*, who, when a dame of *Smyrna* was brought before him, for killing her husband and sonne, who had deprived her of a hopefull youth, begot of her by a former husband, referred the audience of the matter to the *Areopagites*; who commanded the woman and her accuser to appeare some hundred yeares after; that by such a bottom of time, scarce able to be unwinded, they might shew, that neither would condemne nor acquit the woman. One thing more ^a *Quintilian* tels us, that they condemned a boy

a Lib. quinto.

for putting out the eyes of Quails. Because it was a signe of a minde, likely to proue most pernicious. Their power was shaken and somewhat pluckt downe by ^b *Ephialtes*, a fore enemy of *Oligarchicall* government, and more enclining to the people, who was secretly slaine by ^c *Aristodicus* of *Tanagra*. They sate three daies every Moneth, *πάρτην ἐξ ἡμέρας*, title p. 113. *πεῖρα, δὲ τῆς*.

CAP. III. SECT. III.

De Iudicio ἐν Πάλλαδι.

After the siege of Troy some of the Grecians came with *Diomedes*, ^d who kept the *Palladium*, to the coast of *Attica*, and arriving by night at *Phalerum*, supposing it to be an enemy country, went to make a prey. Where *Demopho* ignorant that they were Grecians came to aid and defend his own; and slew many of the *Argivi*, which they cast out unburi'd; whose bodies when no beast had toucht, (^e *ἐὶ δὲν προσέειπετο Ζεὺς* saies *Pollux*, the interpreter, *nullus vivus*, I better think it no creature, either foule or beast) *Acamas* shewed that they were *Argivi* having the *Palladium*; Being warned then by the Oracle (who named them *Ἀργῶτες*, that is, ^f neither knowing nor known) they buried them; and in that place consecrated the *Palladium*; where they made also a judicatory, for murders unwillingly committed, and called it ^{*} *ἐν Πάλλαδι*, *juxta Palladium*, as some. Here was *Demopho* first tryed, who returning from this battaile, killed with his horse, somewhat diverting, an *Athenian*; ^g For whose kinred some think he satisfied the Law, or generally for the *Argivi*. ^h If any had stricken a man or woman, and the party chanced to dye, he was judged in this Court. ⁱ In such cases the Law was very favourable; for the party offending was not punished with perpetuall exile, *ἀετὸς*, as in wilfull felony; (kept by us in England once, called *Abjuration*,

R

where

Demosthe-
nes, Midiana.
Eust. in Iliad.
I. Επε πα-
λαιον ὡς πο-
τε δέντος π-
ρός. &c.
De Ponto
lib. 1. Eleg. 4
Eustath. But
Demosth.
ὡς αὖ αἰδέ-
σθαι τις ὅτι
ἐν γένει οὐ
πύσσοντος
Vulst he ob-
tained remis-
sion from
some of the
kindred of the
slain.
a Demosth.
b Eustath. 2.
anno

(where the guilty had his life upon oath, that he would never return) but he did ^k ἐξέχευε, in a gentler term. ^l For it was a custome of old, to give a certain summe of mony (the *At- tick Law* *χρήματα δήμεα*, in wilfull, all was confiscate) to the kindred of the slaine, that they might not depart their country: but if they could not purchase an aboad they went somewhere else. ^m *Ovid. Cade puer factâ Patroclus Ophanta reliquit.* Their discontinuance was but for one yeare, ⁿ ἅλλως ἔβρουεν ὁ γονός ἔπειτα δὲ πάλιν ἐνταυτοῖς. The money disbursed on such occasions was properly called *πεινὴ*, *quasi* φεινὴ, from εἶς φ murder, as if it were the price of bloud. And the Scholiast of *Sophocles* tels us that *πεινὴ* is spoken only ἀπὸ χρημάτων of payment of mony, but abusively of any punishment. ^a If the party wounded had forgiven the offender before his death, or the allies of the man desperately hurt, none could afterwards compell him to flee; otherwise he fled. And in that flight he betook himselfe to some acquaintance; by whom he was cleansed from the guilt with certain ceremonies of washing, which the Romans call *Februa*. So was *Patroclus*, *Peleus*, *Medea*, *Alcmaon* purified. ^b *Ovid.*

*Gracia principium moris fuit: illa nocentes
Impia lustratos ponere facta putat.
Actoridem Pelcus, ipsum quoq; Pelca Phoci
Cade per eAmonias solvit Acastus aquas.
Flectam frenatis per inane draconibus Agen:
Credulus immeritâ Phasida fovit ope;
Amphiaraiades Naupacteo Acheloo
Solve nefas dixit, solvit & ille nefas.
Ab nimium faciles, qui tristia crimina cadis
Fluminea tolli posse putatis aqua.*

In this ceremony they did *θύσαι*, sacrifice, saies ^c *Demosthenes*, (which custome likewise was observed by the ^d *Trezenians* in the lustration of *Orestes* from the bloud of his mother, which I gather by the feast which they presently celebrated there

there, and yearly observed afterward. This manner was done with water, as you may read, taken out of the well *Hippocrene*, made by the foot of *Pegasus*; the sprinkling was with a littell bough of *Lawrell*, as I suppose, by the words following perswaded to it, which tell us, that when the *καθάρισμα* were buried, there sprouted out of them a Bay tree, and after that *καθαίρειν*, *θύσαι* ἢ *καθαρθῆναι*. This as I said was in his flight. *καὶ πονθ' ὅστιν ἢ καθαίρειν νομίμῳις ποί.* The proceeding in this court, was first, *διαμυσία*, such as before I mentioned, an oath of each party, acculer and defendant: secondly *λόγος*, their speeches of both sides, thirdly *γνώσις δικαστείου*, Iudgement. If the prisoner were found guilty, that is, unwillingly to have murdered, then had he a time appointed him, how long he should flee, as above said, untill he had made peace and gotten pardon from the Cousins of the deceased.

CAP. III. SECT. IV.

De Iudiciis ἐν Δελφίνῳ. Πρωτηρίου. ἑρεατῶι.

AT Athens there was a temple erected by ^c *Agens* ^c *Plutarch.* (who lived in *Delphinium*) to the honour of *Apollo Del-* pag. 4. l. 15.
phinius and *Diana Delphinia*, ^a where was the Tribunall na- a Schol. Arist.
med ἐν Δελφίνῳ, or ὅτι Δελφίνῳ δικαστεῖον. * In this Iudicatory pag. 333.
were heard cases of murder, when the party confessed the * *Ælian. Var.*
fact, but pleaded that it was legitimate. ^b For the Law re- l. 5. c. 15.
quired no punishment of any man that should kill another b *Demosth.*
taking him committing adultery with his Wife, or uncleane- contra *Aust.*
nesse with his Mother, Sister, Daughter, Concubine, or free pag. 410.
Children. Likewise if in preservation of his goods or own 411.
defence he spilt bloud it was not capitall. The first that was
arraigned here was *Theseus*, maintaining the right he had to
slay the theeves, saies ^c *Pollux* (I know not whether he c *Lib. 8º* pag.
mean *Sciron* and *Procrustes* &c.) and *Pallas* with his chil- 406.
dren, who were rebels. Before this tryall of *Theseus*, who- d *Paulan. Att.*
p 27.

soever had slain any body was compelled to flee the country, or staying dye, were the cause never so just. *Ἐν Πρυτανείῳ*. Here they sat on things inanimate. As if a stone timber, iron, or such like, fall on a man, and kill him, if the party that slung this be not knowne, sentence was past on that thing which slew him; and the *ῥυλοβασιλῆς*, that were the Masters of this court, were to see this thing cast out of the Territories of Athens, to which *Ἐσχίνης* alludes. *τὰ μὲν ξίλα καὶ τοὺς λίθους, καὶ τὰ σιδήρεον τὰ ἄφωνα, καὶ ἀγνώμονα ἔαν πᾶσι ἐμπιπόντα ἀποκλείνῃ ἐκ τῆς πόλεως*. The first thing that here was judged was an axe, where with the Priest, whom they call *Βυφόν*, had slain an ox on the altar of *Jupiter Polieus* in the time of *Erechtheus*. *Ἐν φρεατῇ*. In that part of *Piræum* which is next the Sea, is a place which they name *φρεατῆς*, from *Phreatus* an *Heros*, some think; not because it stood in a pit, whence *Pollux* names it *ἔν φρεάτι*. Heere they were judged who having fled out of another country for unwillfull murder *ἢ μὴ ποτὶ τῷ ἐκβαλόντων αὐτὸν ἡ δεισμύων*, they that drove him out not acquiting him, if in the space of his exile it happened that he wittingly slew another, he answered heere. The proceeding was in this sort. The Iudges assembled in *φρεατῇ*, in a place seated on the Sea; *ἢ τὸ πᾶν ἐπιμαλόμενον ἐπὶ θαλάτῃ*; where the guilty drawing neare in a boat or bark, was to make his apology, *ἢ γὰρ ἐχ' ἀπὸ τοῦ ποταμοῦ*, not coming to land or touching it, neither casting anchor^l or mooring his bark; and if he were found guilty he underwent deserved punishment: if he were not found guilty they cleared him of that fact, not discharging him of the former, *ἢ πῶς ἢ δὲ περὶ τὸ εὖ εὖ εὖ εὖ*. I know not whether I may be of that opinion that others are in this, that if he were cast in this tryall, he was exposed to the cruell mercy of the wind and waves. These last quoted words seeme to contradict it. The first that ever answered here was *Tæncer*, proving himself to be innocent of the death of *Ἀλκμή*; a whom treacherously circumvented because he defended not, his father *Telamon* drove out of *Salamis*.

f Pollux loco citato.
g Contra Erciph. p. 103.

b Lib. οὐδ' αὖν.
416.
i Demosth. contra Ariston. 415.

k Demosth. lib. 1.
l Rodolphus Gualterus out of Pollux interprets it *Salamis* terra impudentem, putting down a ladder; the Greek *ἐκβαλόντων*.
m Demosthenes.
n D. 6. 5. c. 1. 6. p. 145.

Salamis, unto which that he might be restored he made appeal to this court. Which gives light to *Aristotle* *ὅτι πῶς ἡ Πολιτικὴ φάρις φέρεται, ἐν τῇ καὶ δόξα ἐπιφέρει*. *ἢ Ἀθήνησι λέγει καὶ τὸ ἐν 4. 17. φρεατῇ διὰ τὴν φρεατῆν*. Iudicatories concerning men flying for murder, that care for their bringing back again, such as in *Athens*, *πὲρ φρεατῇ*. When the party prosecuting will not admit of reconciliation.

CAP. III. SECT. V.

De Tribunalibus reliquis. *Παράβυστον. Τετραγων. Βατραχίον. Φοινικίον. Τὸ ἐπὶ Λύκῳ. Μητρεὺς διαστήσεων. Ἐν Ἀρδύῳ. Διαπηγνῆς.*

Besides these Courts of blood and causes criminall, there were for civill matters these, *Helica*, of which before for the excellency of it I treated. *Παράβυστον*. Of this name there were two, *ἡ μείζων καὶ ἡ μέση*, the greater and the middle. In this Court were handled matters saies *Petit* that exceeded not one drachme, to which *Aristotle* might be thought to look speaking of Iudicatories, *περὶ τῶν μικρῶν συναλλαγμάτων, ὅσα ἀρχαῖα &c.* And this was the meaning of *Πανσιμίας*, *ἢ ἐλαχίστης συνθήκης εἰς αὐτὴν*. Suing here for the least occasions. The *Undecimviri* were Iudges of the Court, which made *Petit* to suppose that it was not to be reckoned among the *ἑνὶ διαστήσει*. It stood in an obscure place of the city; whence *ἐν τῇ βύσσῳ*, in *Demosthenes*, is by *Ulpian* expounded, privily, by a Metaphor taken from the situation of this Iudicatory, or *ἐκ τῆς ἀπορρημίας* *ἢ ἐν τῇ ἐκκορύμνῃ ἐνδοῦ, ἢ κρυφῶς τῷ κοινοῦ*, from goods secretly hidden. *Ἐν τῇ βύσσῳ, ἀντὶ τῆς λαβῆς*. *Τετραγων*, from the forme of it, which seemes to have been triangular. *Βατραχίον*, and *φοινικίον*, from the colours that were painted *ἐπὶ τῇ πύλῃ τῇ εἰσόδῳ* upon the post of the entry, answerable to which there was a staffe given to the Iudges, that they

c Pausanias ibidem.
d Pag. 450.

e Aristoteles Athen. Rep. apud Arist. ibi pag. 31.

they might know in what court to sit; For they presently went to that court which had the same colour with their staffe. τὸ ἐπὶ λύκῳ. From the statue of *Lycus* on *Heros*, which was there set up, having the face of a wolfe; where likewise the statue of *Phno* stood visaged in the same manner. But we must not omit that the image of *Lycus* was erected in every court; hence ἡ Λύκος δεκάς, *Lyci decem*, for sycophants and such as corrupt judgement, because that such persons were very frequent and busy there; And so think I *Pollux* is to be read

^a Zenobius.

^a Lib. octavo p. 406. The place is extremely corrupt, as you may perceive by the false Greek.

^b Vesp. p. 457.

^c Pollux lib.

^d Athen. At.

^e Lib. 8. pag. 406.

^f Lib. 8. pag. 406.

^g Etym. mag.

^h Etym. mag.

ⁱ Etym. mag.

^j Etym. mag.

^k Etym. mag.

^l Etym. mag.

^m Etym. mag.

ⁿ Etym. mag.

^o Etym. mag.

^p Etym. mag.

^q Etym. mag.

^r Etym. mag.

^s Etym. mag.

^t Etym. mag.

^u Etym. mag.

^v Etym. mag.

^w Etym. mag.

^a πάλαι ὃ σωφιστὴς οἱ σωφιστῶντες τὰ δικασίαια (understand πάλαι ὃ or the like) at which they who bribed the Iudicators met *Zenobius* helps my conjecture ἐνθα οἱ σωφιστῶντες καὶ συκοφάνται καὶ δίκαι γυγνώσκοντες σωφιστῶντες. The ^b Scholiast of *Aristophanes* writes that this noble *Lycus* had a Temple near the Iudicatory, where the Judges divided their money for pay, three oboli, to each, a day. ^c Μυτίχῃ δικασίαιον. This was a great Iudicatory; so named from *Metichus* an artificer, which built it. Here, who had passed thirty yeares of his age and was well and nobly descended and owed nothing to the publique treasury, might be chosen Judge. For of such they all consited. ^d Ἐν Ἀρδῆτιῳ. Some have falsely supposed that there was a Tribunall so called; neither did ^e *Meursius* think otherwise, when he translated these words of ^f *Pollux*, ἐν Ἀρδῆτιῳ δικασίαιον, apud tribunal *Ardettum*. The fault crept in by the negligence of the transcriber; for the place is thus to be read, ἄμυνον ἐν Ἀρδῆτιῳ δικασίαια. The Iudicatories were wont to take oath or be sworne in *Ardettus*. *Ardettus* is a place near the river *Ilissus*, so named from *Ardettus* a Peere, who swore the people, being in sedition & mutinie, to love and amity. Where afterwards, as is most probable, the Judges took oath (I cannot justly say presently after their election) to give sentence according to the lawes; and concerning things to which no Lawes were enacted, in equity and justice, ^g by *Apollo Patrus*, *Ceres*, and *Iupiter Rex*. And this the Etymologist affirms, speaking of *Ardettus*, ὅτι ἐν τῷ

τῷ

τῷ ἐν τῷ χαρίῳ ἄμυνον οἱ δικασταὶ ἢ δικαστῶν ἔρχον. The Judges in this place took their oath touching the discharge of their office. From whence among the Ancients such as would presently sweare, were called ^h *Ardetti*, proverbially; as also ⁱ *Casaub.* those who were perjurious and forsworne. ^j καὶ Ἀρδῆτις τῶν Theoph. ἑταίρων. Thus have we viewed the Athenian Iudicatories, in number tenne. For Murther, *Arcopagus*, *Palladium*, *Delphinium*, *Prytanæum*, and *Phreatys*. For other matters, *Heliaa*, *Trigonum*, *Parabystum* (not the *Medium* but *Majus*) *Metichi forum*, & ad *Lycum*, where the *Δικασταὶ* were wont to sit, laies ^k *Possardus*; of whom; becaute ^l *Emmius* ^m De Mag. numbers them among *Iudicia quatuor precipua* the four chief Athen. p. 540 Courts, I will now speak. But of every Tribe were chosen ⁿ Defens. forty our men, ^o above threescore yeares old, who judged Reip. Ath. p. 41. in severall Tribes, as it fell to them by lot. And if any refused to sit according to his lot, he was deprived of the privilege of an ^p *Athenian* Citizen. ^q In former time there came no controversy into the Courts, which had not first past ^r Demosth. through their hands (if it exceeded tenne drachmes. Although ^s *Plinian* tells us that they determined of petty businesses) but that seemes to be, ^t καὶ ἐν ἁγίοις, holy matters, if ^u *Pollux* be so to be read. For some things there were which ^v *Pollux* lib. came not under their jurisdiction. What ever the ^w *δικασταὶ* ^x *καληρωπὶ* judged, if the plaintiff and defendant, or either of them liked not the award, they might referre it to the Senate (as appears out of the ^y Argument of *Demosth. Orat. contra Callippum*, & ^z *Pollux*) at which removing of the suit ^{aa} *Page 678.* they were to cast their suffrages into a pot as they gave them, ^{bb} *Lib. 8. p.* on what side soever, for the plaintiff by themselves, and for ^{cc} the defendant by themselves. ^{dd} When they were appointed ^{ee} *Vide Dem.* for the hearing of a case, they were to meet at the place for ^{ff} *Medium. &c.* them ordained, there to expect both parties untill the even, ^{gg} *Plinian in al.* at which time if neither, or but one was present, it was in ^{hh} *lum. p. 344.* their power to fine them according to the Law. At the time they entred the suit, and wrot the accusation, with the fine

which

¹ Pollux 1.8.
c. 10. p. 408.

^u Orat. in
Bæotum pro
dote.

^{*} Idem pag.
682. n. 41.
^x Vlpian loco
laudato. 342.
^y Per. et Mit.
c. 1.8. p. 211.

which was required for damages; they received as a fee from the plaintiff one drachme, which they called *δράχμη*, as also another from the defendant, when they gave him his oath. This office was but annuall; And because they would pervert justice, (as ^u *Demosthenes* is witnesse, * although they were not to judge before they had sworn) give sentence according to favour, envy, or for gaine, therefore * at the yeares end they made an account of their function upon the last day of *Thargelion*, on which it was lawfull for any to speake what he could object against them; and if any were faulty, they were *ἀπώτοι*. Thus much of the *Διαίτηται* *Κληρω- πεί*. There were other *Διαίτηται* likewise, such as our Civilians call *Arbitri compromissarii*: & we in english *Arbitrators*: whom two parties choole with a resolution to stand to their determination; whether in matter of debt, covenant, or other controvertie soever. Such by the *Attick* law any might request, but with a necessity of abiding at their judgement.

^z For they could not appeal from them to any other court. To referre matters to their arbitrement, the Greekes terme *ἐπιτρέψιν δίκην*. And it will not be superfluous here to relate the story of *Bunas* an *Athenian*, whom when the *Elei* and *Calydonii* had chosen arbitrator in a differency, after he had heard both parties, hee prolonged the sentence untill at last he died. Whence it grew to a proverb, ^a *Βύνας διαΐζει*, *Bunas judicis*, *Bunas judgeth*, of those that defer to passe sentence, and hold a case long in suspense.

^a Zenobius.

CAP. IV.

De Nominibus Judicialibus.

HAVING thus treated of the *Attick* Courts, it followes that I speake of their Termes of Law, Writs, and Accusations. These were of two sorts, private and publique. The publique were properly termed *κατηγορίαι*, saies ^b *Emmianus*. Of

^b Deter. p.
Rep. Ad. p.
31.

κατ-

κατηγορίαι, there were divers sorts. *Γεγρανη*, *φάσις*, *ἐνδεξις*, *ἀπαγωγὴ*, *ἀφίλησις*, *ἀδελφεία*, *ἐισαγγελία*. *Γεγρανη* saies ^c *Ulpian* is *ἐπὶ τῷ πεινύμῳ*, of any trespassse against the Law, by which the Statutes of the Commonweath are violated; and most properly, ^d quoth he, elsewhere, it signifies an accusation made according to the Law; or to come nearer, it is the same which in English we call a ^e Writ or Right, in Latine *Actio* or *Formulā*, as in ^f *Sueton*, *Iniuriarum formulam intendere*, to serue a man with a Writ. *Φάσις* is a kinde of an Information made against any for abuses in the Mines, or Custome houses, for converting Tribute money to a mans owne use, or the like. Which offences were brought to the *Archon* in writing, with the names of the accuser and accused, and the fine which the parties convinced should undergoe, to bee paid to him to whom the wrong was offered. But if the Informer had not the fift part of the suffrages, hee was to lay downe the fixt part of the fine; which the ^g Orators call *ἐπιτελείει*, from *ὀβολός*, because it signifies the fixt part of a Drachme. At the end of the accusation, the informer was to subscribe the names of the witnesses that were present. In generall, all discoveries of private iniuries are called *φάσις*, which in Latine you may name *delationes*. For which the Romans allotted the fourth part of the forfeit, whence they are stiled *Quadruplatores*; but among the *Athenians* not so, if ⁱ *Pollux* say right. *καὶ τὸ μὲν πυνδὲν ἐγγίγντο ἥδη ἀδικούσων, εἰ καὶ ἀλλοῦ ἑκὸς αὐτῶν φαίνεται*. The amercement fell to the person iniured, although another accused for him. If the fine were written down a thousand Drachmes, & the Accuser had not the fift part of the voices; he paid two hundred and one Drachme; if it exceeded a thousand, foure hundred and one. *Ἐνδεξις* is a Writ against those that owe to the Citie Treasurie, and yet goe about to beare office, saies ^k *Ulpian*, which by the *Attick* Law was utterly forbidden. The ^l Scholiast of *Aristophanes*, takes it for the accusing of any that did amisse in publique affaires; and the ^m Interpreter of *Demosthenes* in another place, *ἐπὶ τῷ ἀπίων*

^c In Demost.
pro Corona.
p. 159.
^d Orat. contra
Lept. p. 206.
^e St. T. Smith
Com. Wealth
of Engl. 2. c.
10.
^f In Vitellio.
g Pollux 1.8.
p. 387.

^h Demosthen.
cont. Caricl.
p. 699. n. 6.
cont. Everg. &
Mnasilib. pag.
646. n. 97.
cont. Steph.
J. & A. p.
622. n. 9. con-
tra Onetoria.
EΞΟΥΛ. β. p.
c. 28. n. 19.
cont. Aphob.
β. 503. n. 97.
Onom. d. 1.
c. 6. p. 387.

^k In Demost.
p. 391.
^l In Equit. p.
303.
^m In 1. g. 469.
for

Onom. lib. 3 p 383. for men disfranchised. But *Pollux* teaches us that it is a declaration made to the *Archon* against one taken in the manner; which the *Greeks* terme *ἐπαυτοφώρη*,^o Schol. *Ναζιανζ* ἐπ αὐτῇ κλοπῇ, *Pollux* expresses by *ὁμολογῆσαι ἀδικήματα*, when the offence is confessed. Because men so apprehended were forced to condemne themselves; no further evidence required then from their owne mouthes. By which acknowledgment of their guiltinesse, without greater trial, they receiued their doome: As among us when a prisoner arraigned, confesses his inditement to be true, no twelue men goe upon him: there resteth but the Iudges sentence of the paine of death. Whence grew our proverb, *Confesse and be hanged*. *ἡ Pollux* *ὁμολογῆσαι ἀδικήματα*, ἢ κείσθαι, ἀλλὰ πτωχείας δουλοῦν. He that thus made his declaration, was to subscribe his name, that if he were false, he might be liable to the Writ, *ἡ δὲ δὲ ἐδείξαι*. The declaration was against men who were not present. *Ἀπαγωγή*, is a carrying of a man before the Magistrate, being taken in the fact, whom otherwise he was to accuse by declaration in his absence. By which a thousand Drachmes were endangered. In this *ἀπαγωγή*; they brought not all offenders to the same Magistrats, but according as they were made Iudges of such and such offences; sometimes to the eleven, sometimes to the *Thesmotheta*, sometimes to the *Archon*. Now if a man had found out any indebted to the publique Treasury, or bound for those places or countries, where it was not permitted for him to goe, or one who had committed murder, if by reason of weaknesse he durst not venture to apprehend the person, and *ἀπαγεῖν*, he would perhaps fetch the *Archon* to the house where such a party lay hid, which the *Attick* Lawyers terme *ἀπαγεῖν*. *Ἀνδραγήφον*, is when a fellow hath committed murder, and flies for succour to any; (as the Law suffered any to receiue him) if the kindred of the slaine or others had required the malefactor to be delivered to the, and the protector would not, it was lawfull to enter into his house, and carry away any three persons, as some translate it,

or

or all saue three, *ἢ χεῖ* *πειν*, as others, who were to answer for the outrage done. But who so entered uniuersally, was not to escape unpunished. *Εισαγγελία*, saies * *Vlpian*, is an accusation concerning great and publique matters, such as * *else* where he speaks of, to wit, the dissolution of the *Democracie*; or if an Oratour had spoken what was not for the benefit of the weale publique, if any went to warres before they were sent, or betrayed a Garrison, army, or fleet. In other accusations, if the accuser had not the fift part of the suffrages, he was fined a thousand Drachmes, and lost the priviledges of a Citizen, in this he was uncontrolable. But in after time, because men would accuse presently for none, or small offences; therefore was there a Law enacted, that whosoever accused by *εἰσαγγελία*, and had not the fift part of voices on his side, was fined a thousand Drachmes, although he lost not the priviledges of a Citizen. This *εἰσαγγελία* contained no written crimes, but was only by bare word of mouth; and as the accusation was given, so was the defence made according to the Law called *Εισαγγελική*. The Senate was *Iudge* (*Pollux* saies that *Solon* made a thousand to sit on this, and *Phalerens* 1500. Where the interpreter erres. For *πεντακῶσις* is 500 to them, as *πεντακῶσις*, in *Demosthenes*, and somewhat more) and whom they found delinquent, if in small faults, they fined; but if the offence were heinous, they committed him to prison. Thus much for publique actions; private were these that follow, more properly called *δικαι*.

Δικαι *Δ.* is an Action against a man, who when two shall scuffle, giues the first blow, which the *Greeks* call *ἀρῆαι πῆν*, *γῶν* *δὲ δικῶν*. * The matter was heard before the Iudge; and though the Law ordained not any set summe of money for dammages, yet it was permitted for the partie smitten to write down what he thought fitting. * The reason why these actions were so strictly looked into, was least any not able to defend himselfe with his hands, should seeke to revenge himselfe with stones, or other hurtfull weapon.

S 2

B K α.

Idem cent.
Arit. p. 415.
In Dem. p. 58.
Eund. p. 453

p Sir T. Smith
Commonw.
or Engl. l. 2.
c. 26. p. 281
7 loco laud.

p Vlp in Dem.
p. 389
f l. cm p. 427

p Dem. p. 416

Dem. p. 410
v. d. Vlp ibid.
& Arg. Orat.
cont. Everg.
p. 617.
p Sch. Arist.
C. n. p. 745.
a Dem. cont.
Con. p. 690.

b Idem ibid.

^b Κακηγορίας δ. Somewhat neerer our proviso of giving the lye, least by taunting and reproachfull words, men be provoked to blowes. ^{βλάτης} δ. Is when any man receiveth damage and hurt in estate by another man. ^c As to turne water into his ground, by which it is annoyed; ^d To refuse to pay money where it is required, or to give it to another. ^e To promise to beare witness in a suit, and then not be present, by which the case falls, & the like. ^{Παειρηπαθήνης} δ. About pawnes, I suppose, which men that needed money were wont to leave with the usurers, ^f as cloathes, household stuffe, &c. Or about money put to the Banck, which the exchangers did employ to the advantage of the owners, as I gather out of ^g *Demosthenes*. The word imports both. ^{Αποπομπής} δ. Of divorce. ^h For they were wont to put away their wives, in former time, upon discontent or hope of greater portions; which divorce they called ^{σπομπαλὸς}, & as *Lyfias* ^{σπομπαλὸν} on the husbands side, and on the wives ^{σπάλειν}; for hee did as it were turne her away, she was said to forsake him. ^{Κακώσεως} δ. Of ill usage of parents, as not relieving them if they were poore. Of wives against husbands, of Pupils against Tutors.

^ι *χλοπῆς, of theft, after what manner soever. Which if it were by day, was not capitall, but by night was deadly. ^{Χρέως} δ. Such as our Act of Parliament hath allotted for extortion, it being by ^ι Law provided in *Athens* that none should take too much use, although once allowed by *Solon*, that any might make the best of his money: which he termes ^κ *πέμπων ἀργυρίου*. Of usury I shall speak more in Chap. of money.*

^λ *συμβολαίων* δ. When men had bargained and would not stand to it. ^ι *Aristotle* ^{δίκην πρὸς ἀλλήλους πρὶ συμβολαίων}.

^μ *συνθήκης* ^{συνθήκας} δ. When men broke the Articles which they made to each other, about dividing of inheritance betwene man and man, or between citie and citie, concerning free trading, as that of the *Carthaginians* with the *Romans*.

^ν *Αριστ. Πολ. 3. c. 6.* or the like ^μ These ^{συνθήκαι} were usually confirmed by oath to each other. ^{Διαδικασίας} δ. ^ν a contention

tion about bearing office, in which they secke to have a time appointed, when a man shall enter into it. For the discharge whereof they are to prove him fit. ^{Επιδοτούς} δ. When parents died and left their daughters inheritrices, the kinned was wont to sue each other, to make it appeare who was nearestioyned in blood, that he might marry her. Hence a Virgin to whom an inheritance falls is called ^{ἐπίδοτος}, that is, *Contra-* ^ο *Pollux* 1. 3. *versa*. ^{Μισώσεως} ^{δίκης} δ. About letting of houses. (For *Herodotus* termes that ^{ἐμισθίζου}, which other Greek writers ^{μισθώται}, it is as well to set to hire, as to take to rent, ^{ἐμισθύν} and ^{σπομπαλύν}, to let out. Which they often did for want of money, which that they might obtaine the quicker, they wrote over their dore as we use to doe, *This House is to be let*. Which custome *Menedemus* in *Terence* expresses. *-Inscripti ilico*, ^p *Heaut. Act. 1. Sc. 1.* *Αἰ δὲς μερκεδε*) This Writ was properly against Guardians of Orphans (not concerning men of yeares, such as immediatly is before spoken) who having taken the charge upon them of Tuition, were to imploy for the benefit of their Pupils what was left them: they therefore made knowne to the *Archon* that such a house was to be let, he then put it out upon some pledge for security. But if the house were let under the yearely rent it could bring in, or was suffered to remaine void of a Tenant, to the losse of the Pupill, then was it lawfull for any man to sue the Guardian in the *Archon's* court? upon a Writ of ^{μ. δώσεως} ^{δίκης} ^{Επιδοτής}. I have observed it to have been a custome among the Ancients, when they perceived themselves to draw neerer to death, to call for some one, to whose care they would commit their children, and delivering them into their hands, beseech them to have a tender eye over them, and to provide for them what should be most convenient: such as *Oedipus* in *Sophocles* entreats of *Thesens* ^ο *Oedip. Col. P. 314.* *ὅς τις πρὶν ἀρχαίαν τέκνον, ὅς τις πρὶν παῖδας τῶνδε κατὰ νύκτα Μήποτε σπυδαίοντα δ' ἐλὼν, πλεῖν δ' ὅς αὖ Μένους θροῶν δ' ἐξυφεί- r* *Ter. Andr. Act. 1. Sc. 5.* *ον τ' αὐτὰς ἀεί.* Not unlike is that of the ^ι *Comedian* under

the person of *Chrysis*, committing *Glycerium* to the Tuition of *Pamphilus*.

Accessi: vos semota: nos solis incipit:

Alti Pamphile, huius formam atq; atatem vide:

Nec clam te est, quam illi nunc utraq; inutiles

Et ad pudicitiam, & ad tutandam rem sient.

Quod ego te hanc per dextram oro, & ingenium tuum,

Per tuam fidem, verq; huius solitudinem

Te obtestor ne abs te hanc segrege, non deferas.

Si te in Germani fratris dilexi loco;

Sive hac te solum semper fecit maximi,

Sed tibi morigera fuit in rebus omnibus.

Te isti virum do, amicum, tutorem, patrem:

Bona nostra hac tibi committo, & tua mando fides.

Hanc mihi IN MANVM DAT, mors continuo ipsam occu-

(pat.

But among the *Athenians* the use was to nominate in their Testaments and last Wills, whom they would have to be Guardians. Which office after they had undertaken, if they should defraud the Orphans of their patrimonie, or any part thereof, they were sued with a Writ *ἐμψυς*, as *Demosthenes* did sue his as soone as he came to age. But if the matter were not questioned within five yeares after the pupil was admitted among the number of men, by the Law the Guardian could not be taxed. *Ἀπεσυσ*. Of a Master against a Servant ingratefull for his manumission, not doing his durie to his Master. Because, as *Demosthenes* witnesses, it was the nature of servants once made free, not only to be ingratefull, but also to hate their Masters most of all men, as those who had been conscious to their servitude. It was enacted therefore that whosoever was convicted of ingratitude should againe be made a bondslave *Valerius Maximus*. Age, quid illud institutum Athenarum, quam memorabile? quod convictus à patr. libertus ingratus, iure libertatis exuitur. The Romans did not onely acquit them of the libertie of the Citie (which

Plut. in vita eius.

Demosth. p. 724. in 22.

Pag. 465.

Lib. 2. c. 1. 267.

(which the *Athenians* gave not) but made them also slaves, which punishment they terme *Maximam capitis diminutionem*. *Σίτς*. If any man put away his wife hee was to restore her portion againe; if he refused he was *ἐπ' ὅντι ὁβολοῖς* *ποκοροῖν*, that is, every moneth for one pound to pay nine *oboli* which the *Atticks* terme *ὑπὸ δόλον* *συνικς*, the revencw of her dowrie. The Writ whereby he was sued was *Σίτς δίκην*, for the repayment. *Ἐνοικίς*. If any went to Law, as clayming Title to an house, he was first to serue him that dwelled in it with a Writ *ἐνοικίς*, by which he demands his rent for the time the defendant had the house: if it were for any parcell of land, there was a Writ *καρπῶ* given out, for the provent and fruit thereof; afterwards (in both cases alike) they proceeded to an *ἰσθ' αὖ δίκην*, in which they claymed right and title to the house or land. Although in all these trialls the defendant were cast, yet could he keep iustly either house or land: but if in a third triall, which they call *ἰξέλις*, he were overthrowne, he was compelled to relinquish his possession. This *ἰξέλις* also is a Writ against those that would cast an inhabitant out of his house, it being termed from *ἰξέλις*, to throw forth. *Ἐξέλις* also a Writ of Execution against any overthrowne in the Court, and fined a thousand Drachmes, which at such a day he was to pay; and if he laid it not downe upon the nayle, there went forth a Writ *ἰξέλις*, to make enter upon the lands and possessions of him so cast. It is also a Right against any who wil not suffer him, who hath bought any thing of the publike, to reap the fruit thereof. Who either withholds any thing from the owner, or violently takes from any, &c. *ἰς δαμπτῶς*. When two had beene partners in estates, and one of them would have a dividence made, if the other refused, hee might be constrained to it by the Writ. *Βεβλώσις*. Because the Market place among the Greeks was the fittest to cheat & cozen in, as *Anacharsis* was wont to say, therefore the *Athenians* enacted that none should buy in the market place; (to which the *Scythian* wiseman pointed likewise, sayng, that they

Iustin. Inst. l. 1. T. 16.

Demost. p.

733.

Dem. pag.

655 n 58.

Vlp. in Dem.

p. 242.

Apud Laer.

p. 74.

they forbade to speake false, and yet did *ἐν τῇ κατὰ πλειονότητα* if any man had bargained for any thing, and another sued and doubted of the right of it, he might require the seller to confirme the lawfulness of the thing sold, and maintaine it against all controversie, otherwise the seller was liable to *Βεβαιώσεως δίκην*. For although in *Athens* they bought for the most part *Gracâ fide*, with ready money; as *d Scaliger* and *e Cusanbon* truly interpret it, *f Turnebus*, Representat a pecuniâ: yet sometime gave they *Earnest* onely to make the thing sure, which the *Greeks* and *Latines* call *σάραβον*, from the *Hebrew* *סָרַב*. This seemes to me to have been the hundredth part of the money which was to be paid for the thing bought, as *i Stobæus* out of *Theophrastus*. Where you may read likewise that it was the custome, when any thing was to be sold, to bring anote thereof to the Magistrate some threescore daies before. *Εἰς ἐμπόρων καλίστατον*, For the laying open of any thing, concerning which was a suit in law, by *k Pollux* his words I may coniecture, goods or money privily taken away. *Εξαιρέσεως δίκην*. When any should offer to take another mans servant, and make him free against the will of the Master, which the *Greeks* terme *ἰμὴ δίκην ἐλαδθῆσαν ἀρεαλίδος*. *Αυσιζήμις* is a suit about neereneffe of blood, in matter of inheritance, when a man dies without issue of his own body. *Παρακαταβολή*, When a man went to proue that hee was to challenge the inheritance of right, as neere of blood; or upon some other conditions: from *παρακαταβάλλειν*; because he laid downe the tenth part of the inheritance, which if hee were cast in Law, hee was to pay, if the cause were private, saies *m Budans*: but if publique, the fift. *Διαμάρτυρία*. When any shall protest that an inheritance doth hang in controversie, and is *ἀνέδικον*, as a true heire being still alive, of which thing chiefly treats the Oration of *Demosthenes* against *Leocrates*. *Επίστασις*. When any shall try to falsifie the *διαμάρτυρία*. *Ανίγειν*. When men went to Law about kindred, as to proue themselves of such and such houles

Ανέγειν.

ἀπορροή *δ*. All strangers in *Athens* were compelled by the Law to get them Patrons (as my most worthy Schoole-master the glory of his time *o Mr Matthew Buxt* hath observed, whom for honours sake I name) or else they might be questioned, and if they were convicted their goods were sold and put into the Citty Treasury. *Αχαισία* of ingratitude against those who shewed not themselves thankfull to those who had well deserved of them. *Ξυρία* the same with *ἀπερυσσόν*, when any will reckon himself among the number of Citizens who hath never been made free, by which he purchased imprisonment untill such time as there was a Court kept, and then he was sold. *Μαρτυρία* when a man is eye witnesse of a matter. *Εκμάρτυρία*, When an other witnesses from the report of him that saw it. *Ψευδομαρτυρία* false witnesse, which to prosecute in Law they terme *ἐπισκήψαται ψευδομαρτυρίαν*. *Απομάρτυριον* when one was eyewitnes and promised to testify, yet would not appear at the appointed time; which they were wont to compell them to doe, which they call *κατήλθον*, after which citation the party was to be at court, or forswear that he saw not the matter, or was not present; otherwise he was to pay a thousand *Drachmes*, in which summe to be fined the *Atticke* Lawyers give the appellation *ἐκκατηλθείς*. *Δόρων γράφειν*, When the Iudges were corrupted with bribes. *Διγασμὸς* against those that did corrupt them. *Αργία* of a man convinced of idleness, which once taken *Draco* punished the delinquent with losse of the Citty priviledges, *Solon* not unless he were thrice delinquent. *Ληπτοναυτίς*, When any of the marriners ran away from their ships. *Αναμαχητή*, When the Marriners that staid in the ships would not fight, if occasion required. *Ψευδογγραφία* when any would falsely accuse, there was likewise against them a writ *ἐπὶ βυλδίσιας*. *Ψευδοκατήστιας* Against those that unjustly cite to the Court. *Δωροξενία* when any is accused of encroaching into the number of Citizens, and gives gifts to escape free. *Παρονόμιον* when

o In Epist. Dedic. suo Euchaitensi præfixa ad Richar. Cantuariensem Archiepiscopum.

T. any

e Pollux l. 8. c. 6. p. 385.

d In Aufon. Lect. l. 2. c. 6. e In Theoph. Chir. p. 312. f Adversario rum l. 4. c. 13. g Don. Quod prius datur, ut reliquum red- datur. in Ter. Heaut. Act. 3. Sc. 5. h Vide Dasi in Basil. Sel. i Scironem 42. k Onomast. l. 8. c. 6. p. 384. l Demost. p. 718. n. 29. m Pand. Pro. p. 100. n Dem. p. 620. n. 8. Here follow- eth the terms private and publique which are pub- lique and law- full for any to prosecute; see Pollux, pag. 386.

any was accused of making a decree or Law contrary to former statutes. This accusation was called *ὑπομολή*; because the accuser swore that it was against the Lawes or unjust or inconvenient for the Common-wealth. *Δοκιμασία* was an examination of the Magistrates whether they were fit to govern or no. Whether the Orators were not given to Lust and incontineny, whether they had not spent their patrimonies or dealt unkindly with their parents or lead a life any other waies blameable, whereupon they were discarded the priviledges of the Citty and not suffered to plead or speak publickly. *Εὐδαιμία* An account of publique offices borne, laying out of mony and dispatching Ambassages, made to the Tenne *Λογιστῆς* (for the breach of which went out a Writ *ἁλογιστὸν λόγον δίδωμι* Rationem reddere) if concerning injuries given to the Iudges. *Προβολή* an accusation against those who are ill affected toward the Commonwealth, made by the decree of the people, and such as are wellwillers to the state. *Προβολαὶ* likewise are accusations against men injurious *ἑξυβείηταις*, and such as are delinquent against their festivalls, as the oration of *Demosthenes* against *Midias*. *Προμολία*, An oath which the accuser took that he would justly accuse. *Ἀντιμολία*, The defendants oath that he had done no wrong. *Ἐξομολία*, an oath of Ambassadors or men chosen for state service, that by reason of sickness they cannot give attendance. They may doe it by a proxie if they please. It is likewise the oath of one called to witness, wherein he sweares that he knowes nothing of the businesse. *Ἀπομολία* When others shall swear that pretended weaknesse was only a shift to put off the burthen of publique office which the state laid on them. *Υπομολία* an accusation of a Law or decree unprofitable, against the motioner, as above said. *Παρεχρησθῆναι & παραμμενῆναι* when a man shall object a case not to be entred rightly, that the writ ought to be such and such, and not as it is *ex. gr.* for a man that runnes away from the Army, which is *ἀποστρέφειν*, and I accuse him of

p Lib. Argin
Medianam.

q Vlpian in
Dem. 226.

of leaving his rank, to wit *ἀποστρέφειν*, or objection of the time past within which space the suit was to be commenced, or that it should be handled in such a Court and not in such, as wilfull murther in *Areopagus* not *Palladium*, by which evasion if the case fell it was termed *ἄγροστον*. *Ἀντιπρεσβή*, when he that is sued puts in a bill against the plaintiff in like manner. But if the defendant (I call *ἀντιπρεσβή*) were cast hee payed *ἑποβολή*. *Ἐμὲ ἔλα*, when a man is summoned to answer before the Arbitri a controversy, if he sweare that he is sick or pretends a journey from home, and appears not at the day appointed, he was cast in *ἐρήμῃ Ἐρεμοδicio*, as if he scorned to come or were obstinate, hee ought within tenne daies to sue out *μὴ ἔσται*, wherein he reproveth the sentence and made it of no effect so as it came to its first state againe. But if he could not obtaine a *μὴ ἔσται*, having before sworn that he would stand to the award of the Iudges, their determination stood in full strength and power, and he was constrained to pay a thousand drachmes, as *Vlpian* in *Dem. p. 340*. which was the mulct appointed by the law, for the discharge whereof he put in good security. *Ἀνταρχάνειν δίκην*, When any was absent from the Court or heard not his name called by the Crier to answer thereunto he was fined, as conscious of *Eremodiciu*, and if within the space of two Moneths he did not renew the suit (which is *ἀνταρχάνειν δίκην*) he was sure to pay the fine. *Ἐντεπιστήνῃ*, when any man wil challeng out of goods forfeited and publickly sold somewhat as debt to him, or say that part belongs to him, the state would narrowly search into it, which thing they terme *ἐντεπιστήνῃ*. *Πρόκλησις* is a citing of one before the *Archon* in controversy about inheritance, or a virgin left inheritor. Now if the plaintiff did not warne the defendant *ἔπειθε δίκην*, the suit died, and such actions are called *ἀπρόκλητοι δίκαι*. *Πρόκλησις* is as letting a case fall or dissolving it upon some witness, oath, confession extorted by torments, and the like. *Ἐφεσις* is an appeal from one court to the

Vlpian in
Dem. 343.

In Dem. p.
340.

Dem. p. 61.

T. 2. the

the other, as from the Senate to the people, and from the people to the Senate againe, or from their Iudicatories at home to some forrainers in another country. *Ἀπίωσι δὲ δίκην* when there is no more fine laid upon a man then what his adversary did *ἐπιγέγραπται*, write downe at the lower end of his inditement: of which custome somewhat hath before been spoken. *Βολίτε δίκην*, Against such as stole oxe dung out of their neighbours lands; whence of those that are put in the cent for triviall matters the proverb "*Βολίτε δίκην*". *Ἀπειθείας*, of impiety against their Gods, as Aristotle for his hymne on *Hermias*, Tyrant of the *Atarneuses*, which he engraved on a statue at *Delphos*. For revealing myteries, or imitating them as *Alcibiades*. Of which if a man were convicted he was put to death; as on the contrary the accuser if he got not the better. *Προδοσίας*, of being false to the state, the punishment was death, and after that, that they should be cast out of the Territories of *Athens* unburied. * *Ἀγροφίς*, If any owed to the Citty Treasury, and his name were registred, and before the discharge of the mony his name were blotted out, they sued him before the *Thesmotheta ἀγροφίς*, but if his name were never entred he was prosecuted by an *ἑρξίς*, *Μεταδικαί* proper only to such as dealt in the mines, like to the Stanneries in the County of *Cornwall* my Country, and *Devon-shire* her sister. * Lyable to this Court were they who should thrust any man from his work, who should dig within another mans liberties, who should bring weapons thither, I suppose to take away Minerals by violence, who should kindle any fire in the Mines &c. Who should offer to take away the props that upheld the weight of the incumbent earth, which to doe was death, as *Plutarch* tels us. There was likewise *ἀγροφίς μεταλλῶν* against the labourers in the Mines, who if they intended to begin a new work were to acquaint the overseers appointed for that end by the people, that the foure and twentieth part of the new coine might come to the publike Treasury. Now if any presumed

n Aristoph.
Sch. p. 328.
Læcius in
vita.

* Dem. cont.
Thuc. pag.
723. n. 76.
77.

x Dem. con.
Pent. p.
568. n. 51. 52.

y In vitis De-
cem. Rhet. p.
453.

med to work who had not made it known to the officers it was lawfull for any to accuse him *ἀγροφίς μεταλλῶν*. *Ἀροφίς* δ. About mony put out to the mony changers. * For *ἀροφίς* among the *Atticks* is the same that *ἀδίκη* in the lawyers of latter time, in *Iure Græc. Rom.* Sometimes indeed they used *ἀροφίς* for meanes, and sustenance *ἡ ἀροφίς ἐστὶ τὸ ζῆν*. *Καταδικασίς* and *καταδικασίω* have this difference, that *καταδικασίς* is the Iudge that gives sentence, *καταδικασίω* is he that put in the controversy, *τὸ βε* the meanes that the sentence past against the defendant. *Ἀρεσίς* is when a man deeply indebted pretends that he is not able to discharge all and therefore desires the people that a part thereof might be remitted.

Argum.
Phorm. Orat.
P. 554.

a Sch. Enrip.
Med. p. 368
b Vlpian in
Med. p. 368.
c Idem in
Dem. p. 459.

F I N I S.